

THE  
ASSURANCE

OF

A B B Y *by Baker*

AND OTHER

Church-Lands

IN

E N G L A N D

To the POSSESSORS,

Cleared from the

DOUBTS and ARGUMENTS

Raised about the Danger of

R E S U M P T I O N.

In Answer to a Letter of a Person  
of Quality.

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By Nathaniel Johnston, Dr. of Physic, Fellow  
of the Royal College of Physicians in London.

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Published by His Majesty's Command.

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L O N D O N,

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THE  
PREFACE.

**F**Ears and Jealousies  
are of all other Passions the most difficult to be subdued,  
and where they are personated only, for accomplishing  
some Sinister end, they are  
not to be removed by Arguments : Since they who are  
once Possessed with them, never yield till they despair of  
attaining, or effecting the  
ends they aim at.

All that I can hope to perform  
A 2

## The Preface.

*form by this Treatise, is to give satisfaction to those who are scrupulous in good earnest, and by the perusing of Partial Authors dread the loss of their Church-lands, and the diminishing their Estates thereby.*

*To such only I direct this Discourse; and can further tell them, that their Fears are wholly Groundless; since His Majesty by His Special Command appointed the Author to compose this for the Quieting the minds of His Interested Subjects, Publishing to them the Full Assurance of their Possessions by the Canon, Civil and Municipal Laws, which to*  
all

## The Preface.

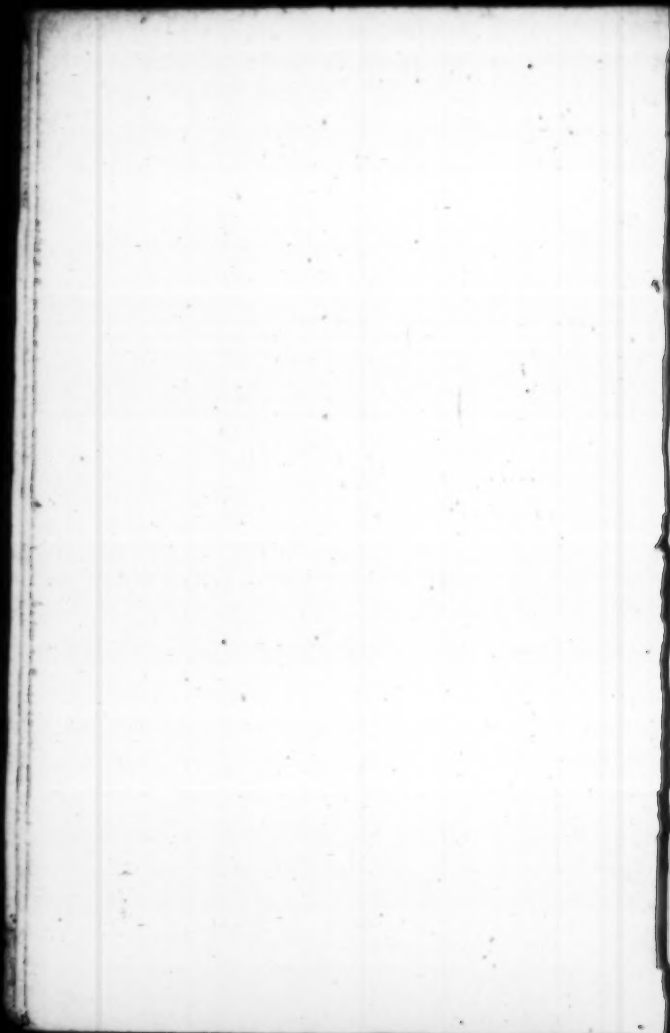
*all considerate Persons, it is hoped, will be sufficient satisfaction.*

*I must own the Subject is of that moment, that it deserved to have been Treated of by an abler Pen, and one better skilled in the Laws: But I have endeavored, with a sincerity becoming one that hates Imposing, to clear both matter of Law and Fact.*

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THE

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# THE TABLE.

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The Assurance of  
**Abby-Lands**  
IN  
ENGLAND,

Cleared from the doubts  
and Arguments raised  
about the danger of  
Resumption.

In Answer to a Letter of a  
Person of Quality.

S I R,



YOU have obliged me very much, in the Present made me of the late Treatise, intitled, *How the* Members of the Church of Eng-  
The occasion of the treating of the security of Abby Lands.  
B land

## Assurance of Abby Lands.

land ought to behave themselves  
*under a Roman Catholic King ;*  
 And have greatly pleased me  
 in the remarks you have made  
 upon it ; which in the General  
 are favorable enough, in that  
 you say, it deserves considerati-  
 on, as much as any Book writ  
 on that Subject, since the Kings  
 Succeeding to the Crown ;  
 and that either directly, or by  
 consequence you think as much  
 is said as the matter will bear ;  
 and you wish it were so con-  
 sidered as it ought to be ; for  
 you verily believe, that the  
 want of weighing the Reasons  
 there laid down, hath occasi-  
 oned most of those non-com-  
 pliances with the Kings desires,  
 which have been so fatal to  
 some, and may yet be to more,  
 that will not see, how much it  
 is the Interest of all Subjects to  
 endeavor with great obedience,  
 to comport themselves to their  
 Sovereign in all the Duties of  
 Allegi-



## Assurance of Abby-Lands.

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Allegiance, and to one another as fellow-Subjects, that thereby the Civil Harmony amongst themselves, may produce those effects, so wise a King, and so sedulous for his Peoples happiness, studies to accomplish.

You tell me, that a further satisfaction in some particulars you think requisite ; and since the Author is unknown to you, and having some confidence I will deal candidly with you, you desire my Judgment in some scruples : In obedience to which I here send you my thoughts, and shall not insert your Letter entire, but in parcels, for the advantage of fitting my Answer more satisfactorily to your Objections, which as they are such as may shock some, deserve a serious reply to, especially since his Majesty is desirous his Subjects should be satisfied in this particular.

B 2

SECT.

## S E C T. I.

*The Arguments against the  
Alienation of Church-Lands.*

§. 1.  
The ne-  
cessity  
of clear-  
ing the  
doubts  
about  
the se-  
curity  
of Abby-  
Lands.

**I**N the First Part of the Letter you tell me, that you conceive, that the Author of the foresaid Discourse hath too slightly passed over the security of Abby-Lands, and other Religious Possessions, whereof the Roman Catholic Regulars were violently disseized in King Henry the 8<sup>th</sup>. and King Edward the 6<sup>th</sup>. time. Whereas you Judge the consideration of the danger of their Resumption, as weighty a Reason as any other, why persons of Interest and Fortune oppose the Repeal of the Test and Penal Laws; lest by yielding a Parliamentary consent to those, the Roman Catholic Religion should

## assurance of Abby-Lands.

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should with greater facility be propagated ; which once effected, you conceive great endeavours would be used, to procure a Restitution of those Lands to the Religious.

Upon this Head you re-mind me what Sir *Henry Spelman* hath writ in his small, but Learned Treatise, *De non Temerandis Ecclesiis* : the force of whose Arguments were such, as they have prevailed with several persons to restore their Impropriations to their respective Parochial Churches.

Yet you own that the Subjects (both Roman Catholics and Protestants) seemed to entertain a firm Opinion of the Legal Security of them, till (a) (a) Part 2. fol. 297. Dr. *Burnet* in his *History of the Reformation*, and the Author (b) (b) Printed for Rich. Baldwin. 1685. of a Letter to him, giving him an Account of Cardinal *Pool's* secret Powers, endeavoured to make it appear, that the Pope

B 3

nei.

## 6 Assurance of Abby Lands.

neither did, nor intended to confirm the Alienation of Abby-Lands, and thereby have raised new doubts in mens minds and in this present juncture of affairs their Arguments are made great use of, to afright people from yielding any compliance to the King's desire.

Some  
Canons  
against  
Aliena-  
tion of  
Church-  
Reve-  
nues.

(c) 12. q. 2.  
Non licet  
Papa.

(d) Binnii  
Concil.

Tom. 1.

fol. 156.

c. 2. D.

Omnes la-  
les presu-  
mptores,  
& Ecclesia

raptores atq; suarum facultatum Alienatores, a liminibus sancta-  
matris Ecclesie Anathematizatos Apostolica Auctoritate pel-  
limus & denunciavimus atq; Sacrilegos esse judicamus, & non  
solum eos sed omnes consentientes eis.

To enforce this, you not on-  
ly press me with the Decretal  
of (c) Pope *Symmachus*, inserted  
in the foresaid Letter, but urge  
the Decretal Epistle of (d) Pope  
*Lucius*, who lived about the  
year 253; where the Pope  
speaking of those who vexed  
the Bishops of *France* and *Spain*,  
about the Possessions of their  
Churches, and the Offerings of  
the Faithful, saith, *That accor-*  
*ding to the Examples of the Pro-*  
*phets and Apostles and their Suc-*  
*cessors, and all the Catholic Fa-*

thers,

thers, this was adjudged Sacri-  
lege.

Therefore the Pope, follow-  
ing the said Examples, 'expels  
'all Foretakers, Robbers of the  
'Church, and Alienators of their  
'Profits, from the Threshold  
'of the Holy Mother Church  
'by Apostolic authority, excom-  
'municates them, Condemns  
'them, and judgeth them Sacri-  
'legious; and not only those  
'who depriv'd the Bishops and  
'their Churches of the offerings,  
'but all such as consented to  
'them.

So in the 2d (e) Epistle of Pope <sup>(e) Quæ</sup>  
*Pius I. An. 155.* it is expressed, <sup>Divinæ</sup>  
*That those things which are assign'd* <sup>sunt Assign-</sup>  
*to Pious Uses, cannot be transferr'd* <sup>nata usibus,</sup>  
*to Human Uses, without Sacri-* <sup>ad humanos</sup>  
*lege.* — And so he orders such to <sup>usus sine</sup>  
*be esteemed and judged.* <sup>Sacrilegio,</sup>  
<sup>non posse</sup>  
<sup>transferri,</sup>  
<sup>Idem. 83.</sup>

In the Council of (f) *Agatha*, <sup>(f) Con-</sup>  
in the time of *P. Symmachus I.* <sup>cilium A-</sup>  
about *Anno 506, cap. 1. n. 7.* it <sup>gathense.</sup>  
is thus decreed, *Casellas vel* <sup>Id. 10. 3.</sup>  
<sup>fol. 712.</sup>  
<sup>Col. 1. c. 3.</sup>

*mancipiola Ecclesie (sicut prisca Canonum precipit Auctoritas) vel vasa ministerii, quasi commendata fideli prapósito, in Integro Ecclesie Jure possideant: Ideoq; ut neq; vendere, neq; per quoscunq; contractus, res unde pauperes vivunt, alienare prasument.* Which is to be rendred thus: *That the Churches in full right possess the Houses and Farms, and the Vessels of Use in the Holy Offices, as commended to a faithful Steward, (as the ancient Authority of the Canons command) so as none presume to sell, or by any contracts alienate those things on which the poor live.*

(g) Indigne  
enim ad  
Altare Dei  
properare  
permittitur  
quires Ec-  
clesiasticas  
audet inva-  
dere, &c.

So in the (g) sixth Synod under the same Pope, in the time of *Theodoric* the King, it is thus expressed: *He is unworthily permitted to approach the Altar of God, that dare invade Ecclesiastic Goods, or unjustly, that is, without the Bishop's License, possess them, or wickedly or unjustly persist*

## assurance of Abby-Lands.

9

persist in the defence of such possession. And further it is declared, That such are to be judged Murderers of the Poor, and if they amend not the fault, are to be Excommunicated.

In the third Council of (b) *Toledo* it is decreed, That no Bishop have Power or License to alienate the Goods of the Church, because by ancient Canons it is forbidden.

(b) *Hæc Synodus nulli Episcoporum licentiam tribuit, res alienare Ecclesie, quoniam & antiquioribus canonibus prohibetur.*

So in the Decretals, 12. q. 2. Pope Stephen I. or, as the lesser Gloss, Pope Anaclet I. decrees, That he shall be reputed a Manslayer that takes away, defrauds, or robs the Moneys, i.e. any Profits of Christ and the Church; for which Ivo may be consulted, p. 3. c. 18.

Idem Tom. 4. fol. 503.

You further urge the seventh Synod (i) of Nice, under Constantine and Irene, wherein it is thus decreed; That if any Bishop

(i) *Si quis Episcopus, vel Monasterii Praefectus inventus fuerit, ex Episcopatus, vel Monasterii Agris, in Principis alicujus manus alienare, vel alicui personae tradere, nullius sit momenti Traditio.* Idem Tom. 6. fol. 124.

shop

## Assurance of Abby-Lands.

shop or Superiour of a Monastery be found to alienate into the hands of any Prince, or deliver to another person, the Lands of the Bishopric or Monastery, such Alienation shall be of no force.

(k) Idem  
Tom. 6. fol.  
410 C. D.

You refer me also to the Council of *Milden* (k) under Pope *Sergius II.* wherein the Decree is in these words: *Quapropter secundum Statuta Canonum, ab omni Ecclesiastica Communione, ut Sacrilegus, debet Arceri; si quis quod Venerabilibus locis relinquitur, vel prava voluntatis studiis, suis tentaverit compendiis retinere.* Which I translate thus; Wherefore, according to the Statute of the Canons, if any, by the study of a depraved will, attempt to restrain that to his own use, which is bestowed on Venerable places, viz. Churches, Monasteries, &c. he ought to be driven from Ecclesiastical Communion, as a Sacrilegious person.

The last thing you urge, is,  
That



## Assurance of Abby-Lands. 11

That I will peruse the Collection of the Decrees of Councils, (l) and Epistles of the Popes, a-<sup>(l)</sup> 12. q. gainst Alienations of Lands or <sup>2</sup> *periculum* Goods, once given to the Church, in the Canon-Law.

I know you expect a very positive Answer to these Canons, which you think bind all that are or shall be in Communion of the Church of *Rome*; and, with the Author of the Letter to (m) Dr. Burnet, are ready to (m) p. 11. say, *That a man may as well be a Papist and not believe Transubstantiation, nor worship the Host; as be one, and still enjoy Church-Lands; and that no Confessor that understands the Principles of his own Religion, can give Absolution to such as are involved in that Guilt, without Restitution.* This is the Sum of the Charge; and I shall own, that it is Incumbent upon the Governors of the Church to secure; by Canons and Constitutions, the rights

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rights of it, both as to Jurisdiction and Patrimony. The like we find enacted in our own Kingdom, since the Reformation (n) 1 and 13 *Eliz.* and 1 and 3 *Jac.* 1. Whereby Bishops and all other Ecclesiastical persons are restrained to Alien or discontinue any of their Ecclesiastical Lands or Livings, and if they convey or Alien any of their Lands or Possessions, altho' it be to the (o) Kings Majesty himself, is void in Law.

(n) *Parsons*  
Law, p.  
26.

(o) *Cotes*  
Reports  
Magdalen  
Col. case.

All that I shall therefore endeavor to clear, is, that in some cases, even by other Canons, the dispensation with the Rigor of those you mention, are allow'd, and that several Popes by the plenitude of their Power have dispensed with them.

I had Collected out of Mr. *Selden*, and others, a large account; how in the Primitive times, according to the Authority of (p) *Tertullian* and St.

(p) *Apolo.*  
cap. 39.  
and 42.

*Cyprian*

## Assurance of Abby-Lands. 13

(q) *Cyprian*, who lived about *An.* 200 and 250 after our Saviour, that the maintenance of the Clergy was then by Monthly or frequenter Offerings, and the last Father compares them to the Roman Sportula. (r) Also, I had noted when Tithes began to be first Introduced, how the Founders of Churches Arbitrarily divided the portions of Tithes, betwixt the Incumbents and themselves. And lastly, the disputes whether Tithes could be appropriated to Monasteries: But considering how this would have swell'd this Discourse, I have wholly laid them by.

(q) *Ep.* 266. you may see for these  
*Syn. Gang.* Can. 66.  
*Selden* Hist. 83.  
 84.  
 (r) *Gelasii* Dec. c. 27.  
*Ivo* Decre. part. 3.  
 c. 145.

SECT.

S E C T. II.

*What kind of Alienations have been allowed by the Canons and Constitutions of the Church.*

Concerning the Decree of Pope *Symmachus*. I Shall therefore in the first place shew you, in what cases Alienations of Church Lands are allowed, even by the Canons: And first, I shall note something concerning the Decree of Pope *Symmachus*, which the Author of the Letter to Dr. *Burnet* principally insists upon.

A Synod was he'd at *Rome* under this Pope, and called (a) *Palmaris*, because celebrated in the Porch of the Church of *St. Peter*, called *Palmaria*. In this Synod, at the request of the Council, *Symmachus* caused to be Read by *Hormisda* the Deacon,

(a) *Binnian*  
Tom. 3.  
Fol. 693.  
and 694.

# Assurance of Abby-lands. 15

Deacon, the Constitution of Odoacer King of the *Heruli*, Published by *Basilius* his *Præfectus Prætorie*.

Wherein, under the Pain of Excommunication, he had forbid any to alienate the Goods of the Church. This was exploded by the Synod, because it was a Law of a Lay-person, concerning Church-affairs; especially, because no Lay-men could appoint the Penalty of Excommunication. So *Symmachus* produceth his own Constitution, as it is in the Decretal, only the last clause (b) is very different in *Binnius* from what is in the Decretal: For in the Council it is thus, *That we will the Law of this Constitution only to be observed in the Apostolic See, in all the Churches of the Provinces, according to the considera-*

(a) *Hujus autem constitutionis legem in Apostolici tantum volumus esse servari. In universis Ecclesiis per Provincias,*

*secundum Animarum considerationem, quam propositio Religionis convenire, Rectores eorum viderint, more servato. Ibid.*

tion

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tion of Souls, the use and custom being observed, which the Rectors should see to be agreeable to the purport of Religion.

But in the Decretal it is thus,

(c) *Quod non modo in Apostolica servandum est Ecclesiæ verumetiam universis Ecclesiis per Provincias quidem dicitur convenire* 12. q. 2. non liceat Pa-  
(c) *This Canon is not only to be observed in the Apostolic Church, but is said to be convenient to be observed in all the Churches through the respective Provinces.*

By all which it appears, that it was the Pope's peculiar Constitution, made before, and approv'd of by the Synod; and extended only to the Suburbican Diocess of Rome, and was not universally obliging: which as well as other Reasons might induce

(d) *Simons History of Ecclesiastical Revenues.*  
(d) a late Learned Author to assert, that there was a time, when the Pope entred not into the cognizance of the Goods of the Churches, which depended not on his Diocess.

I shall now shew you some cases wherein Alienations are allowed, even by the Canons,  
so

# Assurance of Abby-Lands. 17

So that you may confront these  
to the Canons produced by  
you.

In the 16th. Canon of the  
8th. Council, in the time of  
*Hadrian* (e) the second Pope, (e) 12. q.  
it is declared, *that the Holy Vef-* 2. *Apsto-*  
*sels may be Alienated for the Re-* *licos &*  
*demption of Captives*, the like *paternos*  
St. Gregory (f) declares to (f) *Lib. 6.*  
*Demetrius* and *Valerianus*, Clerks *Ep. 15.*  
of the Church of *Firman* con- *seu. cap.*  
cerning 10*l.* given by *Fabius* 199.  
the Bishop, of Mony belonging  
to the Church, for the Re-  
demption of them and their  
Father *Passivus* the Bishop, *Aliena-*  
which they were affraid might *tions for*  
be required to be repayed, and *Redem-*  
St. Gregory acquits them of it: *ption of*  
You may say these Instances are *Cap-*  
only of Charities; Therefore I *tives.*  
shall now shew, that in all ca-  
ses Alienations, (according to  
the (g) Canon Law) appear (g) 12. q.  
to be valid, where *the consent* 2. *Aliena-*  
*of the Clerks of the Church, to* *tionis con-*  
*dition.*

C the

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Aliena-  
tions are  
valid,  
where  
the Bi-  
shop and  
Chapter  
or Ab-  
bot and  
Content  
joyns.

*the Grant of the Bishop is obtain-  
ed. Otherwise Pope Urban  
had not Decreed, that Aliena-  
tions of all, by Intrusions, or of  
those Canonically Elected by the  
Name of Bishop or Abbot, (who  
ought to be Consecrated according  
to the Use of his Church) to be  
void, if made without the Com-  
mon consent of the Clerks of the  
Church.*

By which it is manifest, that  
there had been no need of that  
exception, if such Alienation,  
with the consent of the said  
Clergy, had not been valid in  
Law.

(b) 12. q.  
2. Abba-  
tus &  
Presbye-  
ri.

Which is more clear in the  
third Council (h) of Orleans  
C. 23. where the Canon ex-  
presseth, *that it shall not be lawful,  
to Abbots, Presbyters, or other  
Ministers, to Alienate Ecclesi-  
astical Goods, or things in Holy  
Ministry, nor Pawn them, with-  
out the Permission and Subscrip-  
tion of the Bishop, &c. So that  
it*



## Assurance of Abby-Lands: 19

it is evident that the Bishop, or Abbot with his Clerks, or \* Convents, may by Authority of their Constitutions Alienate both Church-Lands and Sacred Vessels.

It further appears, that upon necessity, either the Bishop or his Clergy may Alienate the Lands, &c. of the Church: For in the Council of Carthage (i) c. ult. I find it Decreed, *that the Presbyters shall Sell nothing belonging to the Church, the Bishop not being privy to it; nor the Bishops, not consulting the Council, viz. their Canons, or all the Presbytery without necessity.* So that it seems there may be some necessity, which may be thought sufficient to Legitimate an Injust or uncanonical Alienation; and I hope to make it appear, that there could happen no greater necessity at any time, than that which occasioned Pope Julius

(i) 12. q. 2.  
placuit ut  
presbyteris.  
c. 5.  
Aliena-  
tions  
upon ne-  
cessity.

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the 3d. to grant the Power to Cardinal Pool, for Assuring the Abby-Lands to the Possessors, how unjustly soever they had obtained them.

Appli-  
cation.

Having thus cleared, that by the Canons there may be Alienations of Church Revenues, notwithstanding the positive Canons to the contrary, I shall only add, that the Pope, *ex plenitudine Potestatis*, hath Power to dispense with Canons, Decrees, &c.

I shall therefore close this Section with what I find cited by a Learned (k) Author out of St. Thomas Aquinas.

(k) Bail.  
summa.  
concilio-  
rum Appa-  
ratus. q. 58.

The Question propounded is, *Whether the Pope may change the Statutes of the Holy Fathers in General Councils, or dispense with them?*

(l) Traſt.  
contra in-  
pugnatores  
Religionis  
25. in cap.  
contra q. 1.

In Answer to this (l) St. Thomas holds the Affirmative: And whereas that of *Loximus* the Pope is urged; which expressly

pressly determins, *that the Authority of the Roman See cannot change Statutes of the Fathers, or Establish anything contrary to them.* He replies to it, that *in those things which the Statutes of the Fathers have Decreed to be of Divine Right, it is true. But those things which the Holy Fathers have determined of positive right, those are left under the disposition of the Pope, that he may change them, or dispense with them according to the opportunities of times or Countries; and that the words of the Decrees may be altered, (m) and yet the Intention of the Decrees be observed, which is the profit of the Church ) as it happens in all positive Laws, where subsequent Statutes derogate from the former.* I might clog you with Authorities, to prove this, but matter of Fact will clear it better, to which I pass.

*contra statuta patrum condere aliquid aut mutare Auctoritas quidem habet sed non potest.*

*(m) Servata intentione statutorum, quae est utilitas Ecclesiae, sicut in omni jure positivo accidit, &c.*

## S E C T. III.

Several Instances of Alienations of Ecclesiastical Revenues from the Churches, or Religious Houses, they were at their first Dedication conferred on, in Ancient times.

The History of  
*Charles Martel.*

THE generality of late Historians, who have occasion to speak of *Charles Martel*, accuse him as one of the first that committed manifest Sacrilege; therefore I think myself obliged to refresh your memory with the most material passages of his Life relating to these matters.

(a) *De Rebus Gestis Francorum*  
fol. 55. ad  
67.

In *Paulus Æmylius* (a) you may find an account of his Noble Descent from *Ausbert* a Duke, and *Blitilda* Daughter of

of *Clothair* the second King of *France*, whose Great Grand-son *Ansgas* the Duke, who Married *Begga*, the only Heiress of a Rich Nobleman, who possessed the greatest part of *Austria*, and was Father of this *Charles Martel*, afterwards created Prince of *France*.

He grew Famous in the conduct of Armies under *Dagobert*, *Chilperick* and *Theodorick* the second, Kings of *France*. Under the last of which the *Sarazens* (who had been called out of *Africk* by *Julian* the Earl of the *Vice-Goths*, to revenge the Fact of King *Roderick* in abusing his Wife) about the Year 730, under *Abderama* their King, passed into *Aquitain*, and every where spoyled the Religious Houses; and out of hatred to the Christian Religion destroyed the Churches in *Gascoign*, *Angolism*, *Santon*, and *Poicton*, Countries most Rich

and plentiful, and where by the Devotion of the Inhabitants the Churches were adorned and enriched with much Gold. These *Sarazens* were 400000 strong, and *Charles Martel* encamping beyond the River *Loyr*, near *Turone*, Fought them, and Slew of them 375000, losing but 1500 of his own Men. He Fought another Battle, with prosperous success against them, under the Conduct of *Athinus* their King.

He was relyed upon for his assistance to the Apostolick See, as appears by severall (b) Epistles writ to him by Pope *Gregory* the third, when he was in danger to be oppressed by *Luitprandus* and *Hilprand* Kings of *Lombardy*, wherein he calls him *Subregulus*, and at large recites what Tribulation, Danger, and consternation he was in; So that *Tears* flowed from his Eyes, night and Day, and applies

(b) Binni-  
us Tom. 3.  
fol. 467.  
*Lachryme*  
*die nocteq;*  
*ab oculis*  
*nostris non*  
*desiciunt.*  
Ep. 7.

applies himself to this *Charles Martel* as to a refuge in time of his great distress.

In another Epistle (c) the same Pope tells him, *that he might expect a reward, before the Omnipotent God in the life to come with the Prince of the Apostles, as he disposed himself for the defence of the Church of God, and the Pope; and speedily engaged in it: So that all Nations might know his Faith, purity and Love, which he bore to St. Peter the Prince of the Apostles, and the Pope and the peculiar People by his Zeal in defence of them; for by this he might obtain Immortal and Eternal life.*

(c) *Ut cognoscant omnes gentes tuam fidem & paritatem atque amorem quem habes erga principem Apostolorum sanctum Petrum, & nos, ejusque peculiarem populum, zelando & defendendo; ex hoc enim poteris immortalem & eternam vitam acquirere. Id.*

In another (d) Epistle, the same Pope writes to *Boniface* Bishop of *Mentz*, that God by the endeavor of the said Bishop, and of *Charles the Prince of the Franks*, had been pleased to gather 100000 Souls into the Bosom of the Church.

(d) *Ibid. fol. 466. Ep. 5.*

Yet

Yet for all this the same Bo-  
(c) Monasteriorum multorum everfor niface, as (e) Malmsbury Records it, saith, that he was the overthrower of many Monasteries, and a converter of Ecclesiastical Mony to his own use.

And *Paulus Aemylus* (f) saith, that the chief personages praised *Martel* as one that transcended the Glory of all Captains, and Emperors; but on the other side the Holy Men said, that tho' the splendor of his life was so great in the Eyes of the Vulgar, yet he was not so to be esteemed. For that he gave the Holy Right of Tithes to Military Men, and permitted his Soldiers to Plunder, and sweep away things profane, and Sacred, more than the Vice-Goths did; and that the Sees of Lyons and Vienna, for several years, were deprived of their Bishops; the one dying by Military injuries, had no Successor, and the other was compelled to retire into a Monastery,

Ecclesiasticarum pecuniarum in usum propriis commutator.

Epist. ad Ethelbaldum Merciorum Regem.

(f) Paulus Aemylus vna Chilperici 3. P. 67. &c.



nastery, and that to supply the necessities in the Wars with the Barbarous, he used the Gold of the Temples, and promised when Peace was restored, he would repay it manifold. But after he had obtained the richest and glorious Victories, he changed his promise and afflicted Holy Men, being mindful of old offences, that he expelled Eucherius Bishop of Orleance, and Robert Bishop of Rhemes, because he said they took part with Ramenfride his Enemy.

In an Ancient Chronicle (g) <sup>(g) Le Ro-  
zier His-  
toire de  
France.</sup> of France it is said, that by the Counsel of the Bishops, the Tithes of the Churches were given him to pay his Troops.

Dupleix, saith he, banished several Bishops from their Sees, and put Lay-men in them; the like is repeated by Nicholas Giles, and enlarged by (h) Belleforest, <sup>(h) Perle  
conseil des  
Princes,  
down &  
bataille au-</sup> who saith, that by the Council of the Princes, he gave certain  
Tithes

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cunes des  
dismes, que  
tenoyent  
les eglise  
a les Gens  
d'Armes.  
(i) il re-  
compensa  
la Noblesse  
de partir  
des dismes  
du Clergis,  
&c.

*Tithes which the Churches had, to his Men at Arms. With these concurs du Tillet, and du Hailan. Dupleix (i) saith, that he recompensed his Nobility with part of the Tithes of the Clergy, with a promise of Restitution, but in this he saith the ingratitude of the Clergy [that condemn this] is more to be blamed than the enterprize of Charles; for was it not good reason, saith he, that those, who, besides their cost and charge had so generously hazarded their Lives for the defence of the Church, should be rewarded with some small portion of the Revenue thereof?*

(k) View  
of Civil  
and Eccle-  
siastical  
Laws 1.  
c. 3. §. 2.

*Sr. Thomas Ridley (k) hath a long Discourse on this Subject, charging all the violations done to the Church, to have risen from his Practice; and that from France the president was imitated by others, so that the example thereof passed the Alps into Italy, and mounted above*

above the *Pyrenean Hills* into *Spain*, and within a short time Sailed over into *England*, in such sort, that even to this day sundry Monuments of it appear, where any Title of Immunity for payment of Tithes is challenged in any place, reaching beyond the *Lateran Council*; and tells out of the Legend (l) of *Eucherius* or some (m) Authors else, what you may find there; and in *Paulus Aemylus*, That *Eucherius* (n) Bishop of *Orleance*, being warned in a Vision, took *Fulrade* Bishop of *St. Dennis* to *Martels Tomb*, where he had but lately been Buried, and how they found only a Serpent in the Grave, otherwise empty, and no Foot-steps or marks of an human Body there, but all within black as if it had been burnt.

I know this Legend is questioned by *Baronius*; and Mr. *Selden*

(l) *Apud Servinium*  
Tom. 1.  
fol. 10.  
(m) *Gratian*, c. 16.  
q. 1.  
(n) *Sepulcrum in-  
ano & nullis  
humani  
corporis  
vestigiis  
reliquisque  
apparuisse  
dicitur.*  
*Intus vasti-  
tas, horror  
diraque  
species ac  
velut in-  
cendio  
atrum. Id.*  
*Aemyl.*  
*vita Chil-  
peric.*

d. n

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(o) Father  
*Simons*  
 History of  
 the Ori-  
 ginal and  
 progress  
 of Eccle-  
 siastical  
 Revenues,  
 p. 40. 41.

Infeoda-  
 tions.

*den* saith *Eucherius* was Dead before *Charles Martel*, and will no ways allow Tithes to be then so settled. But I think it cannot be questioned what a Learned (o) Priest and Anti-quary observes, that when Barbarous Kings became Masters of a part of the Roman Empire, the great want that Princes were engaged in, was the cause that so great parts of the Revenues of the Church fell into the hands of Lay-men, and that they made contracts of Alienation about them, as about other possessions, and those contracts past for lawful when they were made in the usual Form.

I had composed a large Collection of the Infeodations of Church-lands, whereby for small Rents and Services, great portions of such Lands were given in Fee from Bishops, Abbots and Priors, to Knights or other Secular persons to answer the

## Assurance of Abby-lands. 31

the Services due to the Prince from the Bishops, &c. but you may find them in Mr. *Seldens* History of Tithes. *Seet.* 113. 117. and other places.

By custom also Lay-men held Cust-  
Tithes, and other Religious oms.  
Lands, paying either no Tithe to Parochial Churches, or very little, for which you may consult the same Mr. *Selden*, *pa.* 181. 186, 187.

There were also Arbitrary Arbitra-  
Consecrations, whereby the ry Con-  
Patron gave sometimes a third, secrati-  
half, or two thirds to the ons.  
Church; reserving the rest to Tit. de la-  
himself and his Heirs, for which cat. & con-  
you may peruse *Linwood*. duct. cle-  
ricis verbo

Also Modus of Tithes was portione.  
another Infringement of the Modus.  
Canons, for which see Mr. *Selden*, *pa.* 288.

Exemptions likewise were Exemp-  
in use, granted to certain Re- tions.  
ligious, which was contrary to the Ancient Canons of paying  
Tithes

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Tithes to the Baptifmal Church, and was reſtrained by Pope *Hadrian* the 4<sup>th</sup>. to the Ciſtertians, Templars, and Hoſpitalers, or by compoſitions the Church-Revenues were Decreed. For which you may conſult Mr. *Selden* p. 408.

Compoſitions.

I purpoſely paſs theſe by, tho' they be ſo many ſeveral inſtances, that the Canons did not univerſally bind againſt all Alienations, leſt I ſhould ſwell this Treatiſe too big.

SECT. IV.

*Several Inſtances of particular Alienations of Church-Lands more Modern in England.*

I Shall now deſcend to latter evidence of Alienations of Church-lands, transferring their Revenues to the endowment of Colleges, or other Chari-

Charitable Uses, or encreasing the Exchequer of Princes, and suppressions of Orders, even by the Bulls of Popes long before the Reformation.

Pope Clement the (a) 5th. by his Bull dated at Poictou the 10th. of the Kalends of December 3<sup>o</sup>. Pontificatus, Anno. 1307. Ordered the seizing of the Knights Templars here, in one night, according to the example of the French King, and gave the Custody of their Lands and Goods to King Edward 2d. till further order from the Apostolic See. In this Bull the King is required, (b) with the Council of his wise Secretaries, so prudently, so cautiously, and so secretly by good Men, of whom there may be no suspicion of imbezling their Goods, in one day, to cause to be seized all and singular the Templars in his Kingdom, and all their Goods movable and immoveable, and to keep their

(a) Ex Archivis Secretarii Ex Autograph.

The suppression of the Knights Templars.

(b) Sic prudenter sic caute sic secretariorum tuorum consilio audere quod omnes & singulos Templarios Regni tui & co-

D

Per-

vum bona  
mobilia &  
immobilia  
— capi  
facias vxo  
die — per-  
sonas eorum  
in locis  
vutis sub  
fida custo-  
dia deti-  
nere.

Persons in safe places, in Faithful Custody, and commit the custody of their Goods, Movable and Immovable to certain good persons, of whom it is not likely, that in this or the like matters they will use any deceit, and all this to be done till it be otherwise ordered by the Pope, &c.

(c) concil  
Viennense.

This (c) General Council of Vienna, was Celebrated Anno Domini, 1311. Under Pope Clement the 5th. In the Sentence of the Pope I observe these expressions, (d) *It belongs to the provident circumspection of Christs Vicar, presiding in the Watch-Tower of Apostolic Dignity, &c.* After reciting how the Order of the Knights Templars had been Instituted and the Crimes of the present Knights, he saith, *not without bitterness of Heart and griefs, the Holy Council approving it; not by way of definitive Sentence, because he could not do that by*  
Law

(d) *Ad pro-  
videntem  
christi Vi-  
carium, pra-  
sidentis in  
specula  
Apostolica  
dignitatis,  
circum-  
specti nem  
pertinet,  
&c.*



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35

Law according to Inquisitions and  
Process, but by way of Provision  
or Apostolical Ordination (e) with (e) Irrefra-  
a Sanction Irrefragable and per- gabili &  
petually to be of force, he hath perpetua  
Decreed the said Order to be pro- valitura  
hibited, perpetually suppressing it. sanctivi-  
Strictly forbidding any for the mus sancti-  
future to enter into the said Or- onc.  
der, or receive the Habit, or to  
repute himself a Templar.

And by Apostolic Authority  
hath appointed (f) all the (f) Uni-  
Goods of the foresaid Order to be- versacium  
referred to the Ordination and bona ordi-  
disposition of the Apostolic See. nis prae-  
bati Apo-  
stolica

sedis Ordinationi & dispositioni Auctoritate Apostolica duximus re-  
serenda.

Concerning this matter (g) (g) Chron.  
Trithemius the Abbot Writes Hist. Far-  
thus, the Order of Templars gicnsf.  
which had stood almost 182  
Years, was condemned by  
Pope Clement, and in one day  
abolished through the whole

D 2

World

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World at the Instance of *Philip* King of *France*, by whose promotion the Pope was Elected --- The Templars, saith he, were very Rich, whose Possessions that the King might acquire to himself, he accused them of Heresy, and proscribed them to be totally extinguished as many thought.

(b) *Autographis in Archivis Seaccarii.*  
The Popes Bull to confer the Templars Lands upon the Hospitalers.

The Templars were thus suppressed, and four Years after, the same Pope (b) on the 17th. of the Kalends of June, 7 Pontificatus, directs three Bulls, one to the King, another to the Arch-bishops, Bishops, &c. and a third to the Nobility, Earls and Barons of *England*, the purport of which Bulls was, that having had consultation whether it were better for the Professors of the Orthodox Faith in *Hierusalem*, and for the relief of the *Holy-land*, to give the Goods of the Templars to the Order of the Hospitalers of

of St. *John* of *Jerusalem*, or to unite them to an Order to be Created anew, as some affirmed it to be more profitable; the business was debated in the Council at *Vienna*, and the Pope grants them to the Hospitalers, the Holy Council approving it, and so hath thought fit to grant, apply and unite their Goods to the said Hospitalers, excepting, till further order; those within the Kingdoms of *Castile*, *Arragon*, *Portugal*, and *Majorca*, being without the Kingdom of *France*.

So the Pope intreats and perswades them to deliver to the Master and Brethren, or Priors, and Præceptors of the said Hospitalers, and their Proctors, all the Goods of the said Templars, entirely, and peaceably, (i) and that they would in the premises shew themselves ready and prompt whereby besides the præmium of Eternal reward, which they should

(i) Sic igitur in præmissis vos promptos & paratos exhibeat quod præter

D 3

there.

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retributio- thereby Merit, an Accumulation of  
nis aterni human praise might be encreased  
præmium to them.  
quod inde  
increbimini  
vobis laudis humane cumulus augeatur. •

Having thus considered what the Pope did about the Templars, I shall shew you what the Parliament here did.

Statutum  
de terris  
Templario-  
rum 17  
Ed. 2.

After reciting, that the Military Order of Templars ceased, and was dissolved, &c. Great Conference was had before the King, in presence of the Prelates, Earls, Barons, &c. whether the King and Lords of the Fees, or others, which held those Lands which were the Templars, might retain them by the Law of the Realm, and with safe Conscience. Whereupon the greater part of the Kings Council, as well the Justices, as other Lay persons being Assembled together; the said Justices affirmed precisely, that the King and other Lords of the Fees, might well and lawfully

*Lawfully, by the Laws of the Realm, retain the foresaid Lands as their Escheats, in regard of the ceasing and dissolution of the Order aforesaid.*

*But because the Lands, &c, were given to the Brethren of the said Order, for the defence of Christians and the Holy Land against Pagans and Saracens, and other Enemies of Christ and Christians, and the Universal Holy Church, and Canonized to the Augmentation of the Honor of God and liberal Alms-giving --- It is agreed, ordained, and established for Law to continue for ever; That neither the King, nor any other Lords of the Fees aforesaid, nor any other person, hath Title or Right to retain the said Lands, &c. Notwithstanding any Law or Custom of the Realm of England.*

*Wherefore our Lord the King, by the mutual assent of the Earls, Barons and Noblemen aforesaid,*  
D 4 of

## Assurance of Abby-Lands.

*of his Regal Authority, in the same Parliament, hath assigned and determined to deliver all the foresaid Lands, &c. To the Order of the Brethren of the Hospitalers of St. John of Jerusalem.*

In which Act we may note, that it was the Opinion of the Justices, that they were Escheated to the Lords of the Fee, and that they were only Transferred to the Hospitalers, on account that they might perform the same service as the Templars had done.

Objection.

It is probable you will ask me what I bring this relation for, since here is no Alienation of Church Revenues, but only a suppressing of one Order for the great Crimes the persons were found guilty of, as is recited in the first Bull, and sequestering their Lands and Goods for some years, and then entirely giving them to ano-

## Assurance of Abby-Lands. 41

another Order then in being.

But if you consider the matter aright, you will find more in it ; for the King and the Nobility, having got the Lands and Goods thus in their Possession, made no such Restitution as you think of. For (k) *Ed. 2.* gave the Inner and Middle Temple (the very chief House of their Order in *England*) to *Thomas* Earl of *Lancaster* who forfeiting it shortly after, it was granted to *Adomar de Valence*, Earl of *Pembrook*, and after to *Hugh le Despencer* for life, which *Hugh* being attainted 1 *E. 3.* the Right thereof devolved to the Crown, and then the King restored it to the Hospitalers.

Answer-  
ed.

(k) *Dug-  
dales ori-  
gines Furi-  
diciales.  
Tm. Tem-  
ple.*

The  
Temple  
given to  
Lay-  
Peers.

I might instance in many other places ; but I shall only do it in one, viz. *Temple-newson*, in *Yorkshire*, the account of which among my Collections I find thus. (l) Inquisition be-  
ing

*Temple-  
newson* given  
to the  
Lord  
*Darcy.*  
(l) *Efc. 21.  
E. 3. p. 54.*

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ing taken after the Death of *John Lord Darcy*, called *le Pere*, it is thus Recorded, that the Manor of *Temple-newsom*, some time was in the Possession of the Templars, and after the deposing of them, the King seized it into his hands, and made a composition with the Brethren Hospitalers and gave it to *Mary St. Paul*, Countess of *Pembrook*, for Life, the reversion to *John Darcy* and his Heirs.

(m) Cart. Besides this in the 18 (m)  
18. E. 3. of E. 3. this *John Darcy le Pere*  
M. 1. had free Warren granted him  
in *Temple-newsom* and *Temple-Hyrst*, Com. *Ebor.* and *Torksay*  
Com. *Lanc.* and *Ekington* Com. *Derby* and *Kirkly* Com. *Not.*  
all which, unless the two last, certainly belonged to the Knights Templars: And I have seen sufficient evidence, that *Temple-newsom* at least, continued possessed by the Family  
till



till it was forfeited by the Attainder of *Thomas Lord Darcy* towards the later end of *H. 8ths.* time:

Surely you must yield, that Alienations and Compositions for Religious Lands, have been reputed valid in former Ages when the Canons of the Church and the Popes Authority were no ways questioned by the extruded.

A part of *Lincolns-Inn* is owned (n) to have appertained to the *Dominicans*, and by them Alienated to *Henry Lacy* Earl of *Lincoln*; and *Grays-Inn*, was part of an Ancient Prebendary of the Cathedral of *St. Pauls.*

(n) *Bucks univ. p. 1072.*  
Part of *Lincolns-Inn* and *Grays-Inn*, formerly Religious Lands.

So that we find the very Houses, which are the Nurseries, and Academies of the long Robe, and where we may justly expect greatest care would be taken to be secure in their right, have belonged to Reli-

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Religious Societies, or the Dignitaries of the greatest Cathedral in *England*.

To descend nearer to our times, I have seen the Bull of (o) Pope Clement the 7th. dated the 4th. of the Nones of November, 5 Pontificatus, Anno 1528. 20 of H. 8. where he gives Cardinal *Wolsey* a Power to Dissolve, and Suppress such Monasteries as maintained but six, four or three Monks, to the value of 8000 Ducats of Gold of yearly Rent, and to transfer all their Possessions and Movable Goods toward the encrease of the Revenues of the Kings Collegiate Church at *Windsor Castle* begun by E. 4th his Grand-father by the Mothers side, and the College at *Cambridge* built by H. the 6th. Grand-father to the same King by the Fathers side.

In this Bull are the fullest recitals of the Popes dispensing Power

(o) Ex  
Autogra-  
pho in Ar-  
chivis Scac-  
carii.  
Dissolu-  
tion of  
several  
Mona-  
steries  
to en-  
dow the  
College  
of *Win-*  
*for*  
*Castle*  
and  
*Kings*  
*College*  
*Cam-*  
*bridge*.

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Power, that I have yet met with, therefore I think it fit, being no where that I know of Printed, to give you the words, that you may at once see how far the Popes Power extends in dispensing with the Canons: The words are,

*Non obstantibus voluntate nostra predictâ, ac aliis Apostolicis, nec non bonæ memoriæ Othonis & Ottobonis olim in dicto Regno Apostolicæ sedis legatorum, ac in Provincialibus & Synodalibus Conciliis Editis, Generalibus vel Specialibus Constitutionibus, & Ordinationibus ac Statutis, & Consuetudinibus Monasteriorum, & Ordinum quorum Monasteria ipsa fuerint Juramento, confirmatione Apostolica, vel quavis firmitate alia roborata; Privilegiis quoque & Indultis ac Literis Apostolicis, etiam in forma Brevis, Monasteriis & Ordinibus prædictis, sub quibuscumque tenoribus & formis, etiam per*

The Popes dispensing with all Canons Councils, &c. in the suppressing those Abbies, &c.

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*per modum Statuti & Ordinatio-  
nis perpetuae, & cum quibuscumque  
etiam derogatoriorum derogatoriis  
fortioribus, & efficacioribus & In-  
solitis clausulis, ac Irritantibus, &  
aliis decretis, etiam motu proprio,  
& ex certa nostra scientia, ac de  
Apostolica potestatis plenitudine,  
etiam per nos & sedem eandem  
etiam iteratis vicibus concessis,  
confirmatis, & innovatis, etiam-  
si in illis caveretur expresse, quod  
illis, etiam per quascunque literas  
Apostolicas nullatenus derogari  
possit, nisi in literis per quas illis  
derogare videretur, illorum omni-  
um Tenores, de verbo ad verbum  
insererentur, & expresse appare-  
ant; Romanum Pontificem illis  
derogare voluisse, & causa urgens,  
& sufficiens exprimeretur, &  
aliis certis modis & formis obser-  
vatis, quibus omnibus illorum Tenores,  
ac si de verbo ad verbum inser-  
tis & forma in illis tradita obser-  
vata foret, presentibus pro ex-  
pressis habentes. Illis alias in suo  
robore*

robore permansuris, hac vice dun-  
taxat specialiter & expresse, ex  
certa nostra scientia, & potesta-  
tis plenitudine derogamus, ac  
etiam quibuscumque defunctorum  
Testamentis, ultima voluntate,  
Ordinatione, & quod dispositioni-  
bus quacunque Auctoritate con-  
firmatis corroboratis & consolidatis,  
ac quibuscumque pœnis & censuris  
Ecclesiasticis Communitis, super  
quorum omnium Testamentorum ul-  
timam voluntatem, Ordinationem  
& dispositionem, ac omnia & sin-  
gula, ac illorum tenores etiam pre-  
sentibus pro expressis, & recitatis  
& insertis habentes. Immuta-  
tiones alterationes & in vestrorum  
collegiorum prædictorum conver-  
sionem & translationem specialiter  
& expresse, in eventum suppres-  
sionis, & applicationis per eandem  
circumspectionem tuam faciendo,  
licentiam & potestatem præ-  
dictam dispensamus, ac speciali-  
ter, quacunque allegatione de non  
expresso valore fructuum bonorum  
Monasteri-

*Monasteriorum hujusmodi literis nostris ; prætèxtu alicujus constitutionis inde editæ, curiæve nostræ stili, aut alias requisitio & inferendo contrariis quibuscunque.*

(p) *Constitutiones Othonis Tit. 12. 14.*

(q) *Constitutiones Othonis Tit. 11. 13. 21. 22.*

The Constitutions of *Otho* and *Othobon*, that are here dispensed with, I suppose are those, *viz.* (p) of *Otho*, that no Goods shall be taken out of the Houses, Manors, or Granges, belonging to Bishops, or the Religious without their consents, and that of *Othobon* (q) forbidding Bishops to confirm, or assign, by appropriation, any Church in his Diocese, to another Bishops Monastery, or Priory, unless he to whom the Bishop would appropriate it, were so poor, or other lawful cause were, that the Appropriation might not appear so much contrary to Laws, as agreeable to Piety.

In

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In the *Archives* (r) of the (r) Ex  
iisdem Ar-  
chivis. Exchequer there are the In-  
structions how to proceed to Instruct-  
obtain this suppression of these ions  
Monasteries; which were on how to  
the Kings part to supplicate proceed  
the Pope for a Commission to legally  
be granted to Cardinal *Wolsey* to sup-  
and Cardinal *Campegius* Legates press  
*de Latere*, then the Pope to Mona-  
steries.  
grant by his Bull to the Legat  
or Legates a Faculty, then a  
Commission of Enquiry what  
Monasteries were fit to be sup-  
pressed, and then the Legat's  
executing his Power, and the  
Pope's Confirmation.

In the same (s) *Archives* (s) ibidem.  
of the Exchequer, are to be Sup-  
found, the Bull of Pope *Cle-* pressing  
*ment* the 7th. the day before of Reli-  
the Kalends of *June*, 5 *Pon-* gious  
*tificatus*, to Cardinal *Wolsey*, Houses  
for the suppressing of several build-  
Religious Houses for the build- ing and  
ing, and endowing of the endow-  
Cardinal College of *Oxford*, ing Car-  
dinal  
E now

*Wolseys* now called *Christ-Church*, as  
*College* likewise (†) that of the *Nones*  
*at Ox-* of *February, 6 Pontificatus*, of  
*ford* and the same Pope, and many o-  
*Ipswich,* ther Bulls, not only for that  
*whereof* College, but for his Cardinal  
the College at *Ipswich*, where he  
yearly was born ; but all our Histo-  
Rent rians relating the matter so  
was, particularly , I shall refer you  
19582. to them.  
(†) *Ibidem.*

Only give me leave to note  
one thing out of the Instructi-  
ons given by the same Cardinal  
to his Chaplains and Counsel-  
lors, as they are Stiled, Sir  
*Robert Carter* Steward of his  
House, Mr. *Lawrence Stubbs* his  
Almoner, and Sir *Nicholas*  
*Towns*; about the building of  
his Cardinal College of *Oxford*,  
that for enlarging the College,  
the Parish Church of St. *Nicho-*  
*las* was necessarily to be pulled  
down, and taken away, where-  
fore, by his Legantine Power,  
he Authorizeth them to cause  
it

Instru-  
ctions  
for de-  
molish-  
ing a  
Church  
for buil-  
ding the  
Cardi-  
nal Col-  
lege at  
*Oxford.*



# Assurance of Abby-Lands. 51

it to be done, and to Translate and annex the Parishioners of the same Church of *St. Nicholas*, to the Parish of *St. Aldate* \* being next adjoyning, and to compound for a part of the Church-yard of *St. Fridiswold*, belonging to the Monastery of that Name.

\* Now *St. Aldate* near the great Gate of *Christ-church*.

This leads me to another remark I find in the Survey of  
(u) *Bridlington* Abby in *Yorkshire*, upon it's dissolution where it is worded thus. Item, *on the South-side of the said Monastery, is a Bake-house and Brew-house, which by report of old Men was sometimes a Nunnery; by sight, the Bake-house was the Body of the Church, the Roof whereof is covered with Slate, and the Isle with Lead, the Brew-house is where the Quire seemed to be, and is covered with Lead.*

(u) *ibidem.* At *Bridlington* a Church converted into a Bake-house and Brew-house.

To this let me add what I have from the relation of a Reverend person, that hath

E 2 lived

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St. *Edmunds* Church at *Rome* pulled down for the building a private house. lived long upon the place ; that about 20 years since, a Church in *Rome*, belonging to the English College there, and Dedicated to St. *Edmund* the Martyr, was pulled down, and made a dwelling House, and the obligation of Divine Service, was transferred to St. *Thomas* Church.

By all which it appears, that not only Religious Lands may be Alienated, but the very Churches themselves, Consecrated in a special manner to the service of God, (even in the Church Communion, and City of *Rome*,) may be demolished and converted to profane uses.

SECT.

S E C T. V.

*Instances of Alienations of  
Church Lands in Foreign  
Countries in the Roman Ca-  
tholic Communion.*

**I**F we take a toure into other Countries, we shall find the like Alienations of Church Lands, suppressions of Monasteries, or their being converted into more secular uses than they were by the first Institution designed.

In the Year, 1563. (a) *Pi-  
us* the 4<sup>th</sup>. being Pope, and *Charles* the 9<sup>th</sup>. King of *France*.  
The Queen Regent of *France* sent Letters to *Rome*, and *Trent*, in the end of *May*, that  
'consultation had been had how  
'to pay the Debts of the Crown,  
'that a Decree had passed for  
'Alienating to the value of

(a) *Pietro  
Sorus Pe-  
lago Hist.  
of the  
Council  
of Trent,  
fol. 666.*

E 3                    '100000

Aliena-  
tion of  
Church  
livings  
in *France*  
1563.

‘ 100000 Crowns of Ecclesiasti-  
‘ cal Immoveable Goods, and  
‘ it was confirmed by the Kings  
‘ Edict and Sentence of the Par-  
‘ liament. The French Am-  
‘ bassador was Ordered to move  
‘ his Holiness to give his con-  
‘ sent, alledging the exhausture  
‘ of the Exchequer by the late  
‘ War, that he designed to put  
‘ his affairs in Order, that he  
‘ might begin, as his purpose e-  
‘ ver was since the making of the  
‘ peace, to reunite all in the King-  
‘ dom to the Catholic Religion;  
‘ and that he might be abler to  
‘ force whosoever should oppose  
‘ him, he meant to impose a Sub-  
‘ sidy, and cause the Clergy to  
‘ contribute their parts to it also;  
‘ whereto the Church was so  
‘ much more bound than others,  
‘ by how much their interests  
‘ were more in question. That  
‘ all being considered, nothing  
‘ was found to be more easie than  
‘ to supply the necessity with  
‘ the

‘ the Alienation of some few Ec-  
 ‘ clestialtical Revenues, whereto  
 ‘ he desired the consent of his  
 ‘ Holiness.

‘ The Pope answered, that  
 ‘ the demand was painted forth  
 ‘ with a fair pretence of defend-  
 ‘ ing the Church, but it was  
 ‘ the only way to ruin it ; for  
 ‘ the avoiding whereof his secu-  
 ‘ rest way was not to consent to  
 ‘ it ; (b) and he was of opinion, *(b) Idem.*  
 ‘ that the French would not pro. *P. 667.*  
 ‘ ceed to the execution of it  
 ‘ without him, and he thought  
 ‘ without his consent none  
 ‘ would adventure Mony upon  
 ‘ them, because a time might  
 ‘ come, that the Ecclesiastics  
 ‘ would resume their Rents, and  
 ‘ not restore the price ; and he  
 ‘ proposed the business to the  
 ‘ Consistory, and resolved not  
 ‘ to consent, but by divers ex-  
 ‘ cuses to shew, it was impos-  
 ‘ sible to obtain that demand  
 ‘ at his hands.

E 4

‘ The

(c) *Idem.*

739.

(c) 'The French having considered the Popes Answer, resolved to Treat no more with the Pope for his favor in the Alienation, but to execute the Kings Edict approved in Parliament without any consent of his Holiness. This being suddenly performed, few Buyers could be found, which was a hindrance to the King, and no favor to the Clergy; for the Sale was made at low Rates, so that there was but Two Millions, and a half of Franks raised, small in regard of the things Alienated, being but Twelve for a Hundred, whereas it had been a small price, if they had given a Hundred for Four. Amongst the things sold, the Jurisdiction which the Archbishop of *Lyons* held until that time over the City, was sold at the outcry for 30000 Franks, but the Bishop complained so much, that in supplement of  
the

# assurance of Abby-Lands. 57

‘the price, he had given unto  
‘him 400 Crowns yearly.

I know not whether ever  
any Pope confirmed this; how-  
ever it is apparent, that if the  
Pope by Bull had confirmed it,  
none would have scrupled the  
Legality of the Title of a Pur-  
chaser. But this is (d) ‘most  
certain, that those Alienations  
continue to this day, only the  
Religious have liberty to re-  
deem them, paying the Mony  
payed for them, and the char-  
ges for any improvement, as I  
have it from one who lately re-  
deemed such an Alienation  
from the Purchaser.

(d) *Ex re-  
latione Re-  
verendi  
Superioris  
Ordinis St.  
Benedict.*

Pope *Alexander* the 7th. by  
his (e) Bull dated 28 April, (e) *Bulla-*  
1656. 2°. *Pontificatus*, sup-*ria*  
pressed the Order of the *Fra-*  
*trum Cruciferorum*, or Cross-*Magnum*  
bearing Brethren. *impressum*  
*Luguni.*  
*vol. ult.*  
*fol. 220.*

The Preamble runs thus,  
*We thinking it Our Duty with*  
*all Study and Industry, continu-*  
*ally*

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The ally to cultivate the Vinyard of  
suppres- the Lord, which is his Church by  
sion of 4 the Divine Will committed to  
Orders Our care, that the Vines of Re-  
by the ligious Orders providently plant-  
Pope. ed in it, which being destitute of  
the Primigenious vigor of Re-  
gular observance have degenera-  
ted into barren wild Vines, ac-  
cording to the Example of the  
good Husband-man, or Father of  
the Family, We must pluck out  
of the Vinyard as by mature and  
fore-thought deliberation, We see  
it, in the same Lord, to be health-  
fully expedient.

‘Therefore when long since it  
‘is found, that of the Order cal-  
‘led the *Fratres Cruciferi*,  
‘there remains but four Mona-  
‘steries, which had in the  
‘whole Order Twenty five,  
‘Twenty one of them being  
‘suppressed by Pope *Innocent*  
‘the 10th. our Predecessor of  
‘happy memory, whose Bre-  
‘thren are reduced now to a  
‘few



‘ few, and have totally deviated  
 ‘ from the Primitive Institution,  
 ‘ and is in the Church of God  
 ‘ wholly unprofitable, and there  
 ‘ is no hope that it shall be re-  
 ‘ duced to bring forth good  
 ‘ fruit.

*Therefore of our proper motion  
 and certain knowledge and ma-  
 ture deliberation by the fulness of  
 Apostolic Power, by the Tenor  
 of these presents we for ever  
 extinguish, suppress, and abolish  
 the said Order, with all it's Dig-  
 nities, Offices, and Ministries, and  
 all it's Conventualship, Title,  
 Essence and Denomination.*

*And we do reserve all and whole  
 the Goods, Movable and Im-  
 movable, as well Sacred as Pro-  
 fane, their Convents, Houses,  
 Vinyards, Farms, Canons, Re-  
 sponsions, Fruits, Entries and  
 Rights whatsoever, wherever  
 they be, according to the disposition  
 of us, and the Apostolic See, to  
 the Uses and Pious works, to be  
 convert-*

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converted by those, to whom they are committed by us and the said See.

Then follows a *Non obstante* against all things, that might Invalidate this and all the expressions that may confirm it, which are too tedious to be here Inserted.

(f) Bullario præ-  
dicto fol.  
221. 222.

Then follows a Bull of the same Pope, dated the same day, for suppressing the Congregations of the Canons (f) Regulars of the Holy Spirit at Venice, Styled *Congregatio Canonorum Regularium Sancti Spiritus Venetiarum*.

(g) Eodem  
Bullario  
fol. 467.

(g) There is also another Bull, by Clement the 9th. for the suppression and extinction of the Congregations of the Canons of St. Gregory in Alga at Venice, and the Brethren Jesuits of Saint Jerom in Fesulis, Styled *Congregationem Canonorum St. Gregorii in Alga Venetiarum ac fratrum Jesuitarum*

*tarum St. Hieronymi in Fesulis.*

How the Revenues of the two first were disposed of I know not, but the last (and I believe so of the former) were given to the State of *Venice*, for defraying the charge of the defence of *Candy*; and the Senate sold them, and the Buyers are in no danger of Resumption.

In the like manner Cardinal *Urfini*, Protector of *Poland*, hath of late Interceded with the Pope, for dissolving of several Religious Houses in that Kingdom, to supply the Treasury in the Important War that Kingdom sustains against the Turks, and I doubt not but it is, or will be effected.

To return to *France*, the Famous Abby called *Burgh de Dieu*, (which with the appurtenances is valued at 20000 *l.* year-

The Abby of *Burgh de Dieu* Alienated.

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Two  
thirds  
of the  
Abby of  
St. De-  
nis Ali-  
enated.

yearly Rent) is Possessed by the Prince of *Conde*, and it is little more than two years since, that two thirds of the Rich Abby of St. *Denis* in *France* hath been given for ever by the Pope, for the Education of Young Gentlewomen, the King having solicited the Alienation, and caused it to be confirmed by the Arch-bishop and Parliament of *Paris*.

(h) Lord  
Castl-  
maine Re-  
ply, p.  
219.

At *Liege* in (h) *Germany* the Prince enjoys the Cloyster, Garden and Appendices belonging to the Nuns there, by the Popes Bull; and all Catholic Divines and Lawyers are satisfied.

Aliena-  
tions in  
*Germa-  
ny*.

In *Germany*, as well as in other places, it hath been long Practized, that such a portion of Religious Lands as have been employed for the Table of the Arch-bishops, Bishops, Abbots, or Priors, have been Converted to Secular Pensions.  
In

In General we may observe, that as the Statute of Mortmain here, was made to restrain Peoples too Prodigal giving to the Church; so where some Church-mens Revenues are thought too great, and some Merit was thought fit to be rewarded, *Commendams* and Pensions have been thought to be dispensed with.

By these, and multitudes of other instances I might produce (if the cause required) you may easily Judge, that the Canons of Councils, the Decretals of Popes, and other Constitutions Ecclesiastical, prohibiting Alienation of Church Lands, have been Infringed sometimes by Secular Princes without, and sometimes with the Popes Dispensation in all Ages.

SECT.

## S E C T. VI.

*Concerning the Alienations of Church-lands in Germany, and the establishment of a Tolleration of Religion there, by the Treaties of Munster and Osnaburgh.*

Objection, that the dis-  
seizing  
of the  
Religi-  
ous in  
*England*  
was ve-  
ry dif-  
ferent  
from  
that in  
other  
places.

I Believe you had considered the force of these particulars (of which you could not be ignorant) therefore you tell me how different our case is from any other Alienation of Church-lands, since in all the foregoing Examples, the Sacred Patrimony was either commuted to some other Charitable use, or employed for the support of Armies, for defence of the Prince, or his Dominions, or of Christians against Pagans or Turks.

But

But here was a total suppression and Abolition of Religious Orders, under pretext that they had degenerated into Sloth, Vice, and Superstition, and that their Lands being given to the Crown, would so Augment the Kings Revenue, as the Subjects, for the future, would be eased of Subsidies, and other Taxes; the King might erect new Bishopricks, and imploy some of their Lands to better Religious Uses; which were the popular Arguments to obtain the Assent of the two Houses of Parliament to their Dissolution.

Yet for want of appointing how particularly these Lands should be applyed to such uses, and the absolute Investing them in the Crown, without Limitation of Uses, they were squandred away by piece-meal, and the Subjects very little  
 F eased

66. Assurance of Abby Lands.

eased of any publick burthen.

You further add, that when you consider these things, and the Artifices used to obtain surrenders from the Convents of these Lands, and then make them pass for their voluntary Acts, and as such obtain their confirmation by Acts of Parliament, so that in no Kingdom or State, any such unpresidented Innovation upon the Rights of the Church, or such a sweeping devastation of these Lands, so legally settled upon the Religious was ever known: You cannot conceive, but that if the Roman Catholic Religion can ever be Introduced here, those Lands will be claimed and in Justice ought to be restored; Since no defence can be made for so violent a possession of them.

In the proper place, when I come to consider the Act it self, I hope to give you satisfaction, that



that tho' I grant all this, yet no Resumption can possibly be obtained.

But before I speak to this, I shall pass with you into the Empire, and own how the Churches there have lost their Lands, and that the condition of them in Germany is nearest akin to ours; and that there the Entrance upon the Church Revenues was by Violence, during a Civil War, by the Princes of the *Augustan* Confession, seized upon as out of the Hands of their Enemies; and that during the Treaties of (i) *Munster* and *Osnaburgh* the Restitution of these Lands being debated, *Fabius* the Popes Nuncio (afterwards Pope, by the Name of *Alexander* the 7th.) made his protestation against it, both by the (k) *Command of the Pope*, by *Vertue of his Character* then, and the propensity of his own Will,

How the Religious Lands in Germany were settled by the Treaty of *Munster*.  
(i) *Traſſat: Pacis, &c.* p. 140.  
The Nuncio of the Pope protests against it.  
(k) *Teſta- tum facio me tum iuſſu Pon- tifici, ac*

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*Munster  
nibi de-  
mandati  
Intuitu,  
tum pro-  
pria Deo*

and entr'd his Protestation a-  
against it, Dated at *Munster*,  
*October 26. 1648.*

*dante voluntatis propensione, &c.*

(1) *ibid.*  
p. 148.

The  
Pope  
con-  
demns  
it by  
Bulls.  
(m) He  
Prefaceth  
the Bull  
thus.

*Zelo Do-  
mus Dei  
animum  
nostrum  
assiduo  
commoven-  
te, in eam  
precipue  
curam se-  
dulo in-  
cumbimus  
ut Orbis*

*doxa fidei Integritas, ac Ecclesia Catholica Dignitas &  
Autoritas ubique sana & solida conservetur.*

Also Pope *Innocent* the 10th.  
Published his (1) Bull the 26th  
of *November* following, in  
5°. *Pontificatus*, against both the  
Treaty of (m) *Osnaburgh* con-  
cluded the 6th. of *August*,  
1648. and that of *Munster*  
the 24th. of *October* the same  
year, declaring both against  
the Possession of Ecclesiasti-  
cal Goods by the Heretics, to  
them and their Successors, and  
the permission of the Heretics,  
as he Stiles them, of the *Au-  
gustan* Confession, to have  
free liberty of Exercising their  
Herésie in several places, and  
the Assignment of places to

to

# Assurance of Abby-Lands. 69

to build Churches, and their enjoying of Publick Employments, Offices, and Participation of Arch-bishopricks Bishopricks, and other Ecclesiastical Benefices, Provostships, Baly-wicks, Commendams, Canon-ships, other Benefices, &c. Which at large may be Read in the Tracts Published at *Leyden*, 1651.

In Answer to these, I shall not undertake to justifie the matter of Fact, nor vindicate the divesting of the numerous Parish Priests of the Tythes belonging to them, and by their former appropriation to the several Religious Houses, upon their Dissolution given to the Crown; which had then an opportunity of annexing them to their respective Parishes, which tho' they had been supplied, while they were in the Hands of the Religious, by some of their Body, by the

Answer not vindicating the spoyl, especially when the Tythes were not restored to Parish Priests.

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subtraction of the maintenance, were to be the worst of all other supplied by the poor Vicars, yet were not at all considered.

But I shall in the following Sections endeavor to make it apparent, that Religious Lands are now possessed without any fear of Resumption, where no Confirmation of the Pope was ever obtained, as in *Germany*.

Therefore I shall here pass by the validity of Law (either Canon, Civil or Municipal) because when I come to the proper place, I hope to make it appear, that there was as much done by the Popes (both *Julius 3d.* and *Paulus the 4th.*) as was requisite to make the Title of every one, sufficiently secured, even by Canon Law.

Therefore I shall spend this Section in clearing two things: First in shewing the amicable com-

composure, that the Treatise of *Munster*, and *Osnaburgh* produced, betwixt the Roman Catholics, Lutherans and Calvinists; and thereby shew the grounds of those accords betwixt the Princes and Subjects of each perswasion in *Germany*, and so secondly Illustrate something more that account, the Author of the Book you sent me, hath layd down, and in that vindicate the Author, and shew that since the *German* Princes and Subjects enjoy the Religious Lands, without any scruple in Law or Conscience; we have much more reason to think our selves secure.

As to the settlements in *Germany*, it was a great Work, and concerning the Plenipotentiaries were persons of great knowledge in the Laws, and assisted by the Learnest of that Age, to compose a matter of so great moment; so that we need not doubt, by the Treaty of *Munster*.

(n) Instru-  
mentum  
paci

but that all possible care was taken to make it as binding as Law and Authority could contrive it. In which (n) Treaties Arch-bishopricks, Bishopricks, Abbies, &c. formerly in the hands of Roman Catholics, were settled upon *Lutheran* and *Calvinist* Princes and Lords, so I shall note some of the principal matters settled by the Instrument of Peace concluded at *Wynaburgh*.

(o) Artic.  
5. §. 1.

(o) First the Transactions at *Passaw*, Anno 1552. And that called *Pax Religionis*, Anno 1555. And that Anno 1556. (which were in *Queen Marys* time) and those in the several Dyets in the Empire, are Confirmed, and what in any Controverted Articles in the present Transaction, by consent were established in Judgments, and other ways, shall be observed, (p) not taking cognizance of the contradiction, or protestation

(p) Non  
attentia  
cujusvis,

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testation of any Ecclesiastic, or seu Ecclesiastici,  
 Politic person, within or with- seu Poli-  
 out the Empire, all which by nici  
 the force of this agreement are Secularis,  
 declared void and null. intra vel  
extra im-  
perium con-

*traditione, vel Protestatione.*

Secondly, That Restitution §. 2.  
 shall be made in the matters  
 Ecclesiastical from the first of  
*January* 1624. So that the  
 Cities named shall retain the  
 Goods, Rights, and Exercise  
 of their Religion, as they en-  
 joyed them that Day and Year.

In (q) particular the City (q) Pa. 26:  
 of *Augusta Vindiliciorum*, *Ans-* Equality  
*burgh*, shall have seven Se- ty of  
 nators of the Secret Council, Magi-  
 whereof the two Presidents, strates  
 called *Staup-fleger*; one shall or Alter-  
 be a Catholic, the other of the native  
*Augustan* Confession, and of Election  
 the other five, three shall be of them,  
 Catholics, and two of the *Au-*  
*gustan* Confession; and the rest  
 of the Senators called the les-  
 ser,

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fer, the Syndicks, Assessors, and City-Judges, and other Officers shall be equal in number of both Religions, and the three Mint-Masters, the first Year shall be two Catholics and one of the *Augustan* Confession, and the next Year two *Augustans* and one Catholic; and so of the Masters of the Ordinance being three; and all other Officers of the like Number, and where there is but one Officer for one or more Years, the Catholic and *Augustans* shall be Alternatively.

Pa. 27. *That neither Party shall abuse*  
Neither *the Power of those adhereing to*  
party to *their Religion, to the depressing*  
depress *of the contrary, nor directly or*  
other. *indirectly shall encrease the num-*  
(r) *Neutral* *ber of the Presidents, Senators,*  
*verò pars* *&c. But if any do, it shall be void.*  
*sua Reli-*  
*gioni ad-*  
*ventum*  
*potentia ad deprimendam alteram abutatur, &c.*

(/)-In



## Assurance of Abby-Lands. 75

(f) In the Cities of *Dunkel-* (f) P. 28.  
*spiile*, *Biberac*, and *Ravens-*  
*burg*, there being two Consuls,  
 one shall be a Catholic, and  
 the other of the *Augustan*  
 Confession; and so in all other  
 Officers where the number is  
 equal, and where there is but  
 one Officer, it shall be exer-  
 cised Alternatively.

(t) In the 3d. Section it is (t) P. 29.  
 agreed. As to Ecclesiastic Ecclesi-  
 Goods, whether they be Arch- astical  
 bishopricks, Bishopricks, Goods  
 Prelatures, Abbacies, Baly- to be  
 wicks, Provost-ships, Com- posses-  
 mendams, or free Secular Foun- sed as in  
 dations, &c. Whoever poss- Anno  
 sessed them, whether Catho- 1624.  
 lics or *Augustans*, the first of pa. 30.  
*January* 1624. they shall pos-  
 sess them quietly, and undi- (u) *Usque*  
 sturbedly (u) till by Gods Grace dum de  
 it shall be agreed about differences Religiois  
 of Religion, and it shall be law- diffinis  
 ful to neither Party to molest per Dei  
 other, either in Judgment, or Gratiam  
 other. conventum  
 fuerit.

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otherwise, much less to cause disturbance or Impediment; (iv) and if it cannot be amicably agreed concerning differences in Religion, nevertheless this Convention shall be perpetual, and the Peace to endure for ever.

(iv) Quod si de Religionis dissidiis amicabilem convenire non possit, nihilominus hæc conventio perpetua sit & pax semper duratura.

If a Catholic Arch-bishop, Bishop, or Prelate, or of the Augustan Confession, or other Ecclesiastics, change their Religion, they (iv) shall lose their Right, retaining their Honor and Fame, and shall lose the profits; and the Chapter, or to whom the Right appertains, shall choose another person of that Religion, to which by this Treaty the Benefice appertains, and leave to the Arch-bishop, Bishop, or Prelate, &c. departing, the profits received and consumed.

(x) Excident illi suo jure, honore & famam F&macr;que illibatis.

11. 34.

If a Catholic or Augustan State, have since the first of January

January, 1624. judicially or extrajudicially been dispossessed by Vertue of this Treaty, they shall be restored, &c.

In the 7<sup>th</sup>. Section, it is provided that the number of Chapters or Canons, which were of either Religion, the first of January, 1624. shall be continued; so that where any, of either number die, one of the same Religion shall be chosen; and if of either there be now a greater number, they shall continue for life, and after their Death one of the other Religion be chosen, till the number be adjusted as in, 1624.

To have the Chapters equal as to the Canons.

P. 35.

(y) Whatever Monasteries, Colleges, Baly-wicks, Com-mendams, Churches, Foundations, Schools. Hospitals or other Ecclesiastical Goods, with their Rents, Rights, (by whatever name they are call'd) the Electors, Princes, States, &c.

(y) Artic. 5<sup>o</sup>. §. 9.

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The settle-  
ment of  
the Pos-  
sessions  
to be  
confor-  
mable  
to the  
Treaty  
P. 36.  
(2) *Donec  
controver-  
sia Religi-  
onis ami-  
cabili par-  
tium com-  
positione  
universali  
definitur.*  
No-  
thing to  
be valid  
that  
contra-  
dicts  
this  
Treaty:  
All  
claims  
in Law  
to cease.

&c. Of the *Augustan* Confession  
were possessed of the first of  
*January* 1624. they shall possess  
them now, whether they re-  
tain them, or have restor'd  
them, (2) till the *Controversie  
of Religion by the Amicable Com-  
position of all Parties be deter-  
mined*, not attending the ex-  
ceptions, whether before or  
after the Treaty of *Passaw*, or  
the Religious Peace, or any  
Interruption by Hostilities, or  
foregoing or after Treaties ge-  
neral or special, Decrees, Man-  
dates, Rescripts, Suits, or  
causes of Suits, Reversals,  
Petitions, or any pretext or  
reason whatsoever, the only  
Foundation of this Treaty of  
Restitution and Observance,  
being from the first of *January*  
1624. So that those of the  
*Augustan* Confession be resto-  
red into their former state, and  
be not by any means disturbed  
of their Possession, but be free  
from

from any Persecution of Law or Deed for ever, while the Controversies of Religion be compos'd.

The (4) like is agreed upon for the Catholics in relation to their Monasteries, so that they be not changed into other Orders than such as they had from the first, unless the Order be extinct, and then the Catholic Magistrates may chuse Religious out of any other Order used in *Germany* before the difference in Religion, and in whatever Foundations, Collegiat Churches, Monasteries, Hospitals, half Catholics, and half of the *Augustan* Confession promiscuously lived, that they should live in the same number as they were the first of *January*, 1624. and the publick exercise of Religion shall remain the same as at that time, and those that used the first Prayers at that time, should

(4) Pa. 37.  
Provisi-  
on for  
Catho-  
lics.

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should so continue them.

Pa. 41. In the 11th. Section it is  
 None to provided in all places, *that nei-*  
 disturb *ther (b) Party disturb other in*  
 other in *the Exercise of their Religion,*  
 the ex- *but that the Inhabitants live*  
 ercise of *Peaceably and Friendly one with*  
 their *another, and have the free use of*  
 Religi- *their Religion and Goods.*  
 on.

(b) *Neu-  
 trique par-  
 tium alterum de Religionis sua Exercitio Ecclesia ritibus  
 & ceremoniis disturbare fas sit.*

In the 12th. Section, that  
 the Inhabitants of a Territory  
 where the Lord of it is of ano-  
 ther Religion, shall have li-  
 berty to remove, so (c) *that none*  
*endeavor to draw other subjects*  
*to his Religion, or for that cause*  
*to receive them into defence and*  
*protection.*

(c) *Nemo  
 alienos  
 subditos  
 ad suam  
 Religionem  
 pertrahere  
 eâve in  
 causâ in  
 defensionem & protectionem suscipere, p. 42.*

(d) Pa. 44. (d) Also the Subjects of ei-  
 ther Religion which in Anno  
 1624.

## Assurance of Abby-Lands. 81

1624. had neither publick nor Where  
 private exercise of their Reli- a differ-  
 gion in any time of the Year ent Re-  
 appointed, and those who after ligion  
 the Year published in (e) after- was not  
 times, possessed and embraced a used  
 Religion different from the Lords 1624.  
 of the Territory, shall be patiently Liberty  
 Tolerated, and with a free Con- of Con-  
 science without disturbance, or science  
 Inquisition, shall exercise their to be  
 Religion in their own Houses granted  
 privatly, and in the Neighbor- to the  
 hood, i. e. where their way of private  
 Worship is exercised, where and exercise  
 as often as they please, be present (e) Futuro  
 at the publick exercise of their tempore,  
 Religion, and shall send their diversam d  
 Children to some Schools of their Territorii  
 Religion, or have private Domino  
 Masters to instruct them; so that Religionem  
 proficibun-  
 tur & am-  
 plectentur,  
 patienter  
 Tolerentur, & conscientia liberâ domi devotioni suâ sine  
 inquisitione aut Turbatione privatim vacare, page 45.  
 No Test here.

**G**

they

## 82 Assurance of Abby Lands.

(f) *Inca-* they in other (f) things per-  
*teris offici-* form their Offices to their Lords,  
*um suum,* in due obsequiousness and subjecti-  
*cum debito* on, and give no occasion to distur-  
*obsequio* bances, and that no subject of  
*& subjecti-* either Religion for the cause of  
*one adim-* Religion (g) be despised, or be  
*pleant.* secluded from their Manufactures,  
 (g) *Nul-* Religion (g) be despised, or be  
*libi ob* secluded from their Manufactures,  
*Religionem* Merchandise, or the Community  
*despicatui* of their Companies, their Inhe-  
*habeantur,* ritances, Legacies, Hospitals,  
*nec à mer-* places for Lazar's, Alms or o-  
*catorum,* ther Rights or Commerce, much  
*opificum,* less from burying in Church-  
*aut Tribu-* yards, or the Honor of Sepul-  
*um com-* ture.  
*muniōne* ture.  
*heredita-*  
*tibus, Le-*  
*gatis, &c.*  
*multo mi-*  
*nus publicis cimiteriis honoreve Sepultura arceantur. p.45.*

Free- As to the Subject that nei-  
 dom to ther had publick or private  
 those exercise of his Religion the  
 that Year 1624. or that after the  
 have not published Year changed his  
 freedom of pub-  
 lic exercise of their Religion to remove, and  
 yet look after their effects.

Religion



## Assurance of Abby-Lands. 83

Religion, and of his own accord left the Country, or by the Lord of the Territory was Banished, *It (h) shall be free for him, either retaining his Goods, or selling them, to depart, and to manage those he retains by his Servants, and so often as there is occasion to return freely, without any Pass, to look after them, or pursue his Law-suits.*

*(b) Liberum ei sit aut retentis bonis aut alienatis discedere, retenta per ministros administrare, & quacumque ratione id postulat, ad res suas inspicien-*

*das, vel persequendas lites, aut debita exigenda, libere & sine literis comitatus adire, pa. 52.*

In the 17th. Section: It is All public agreed, that the Magistrates of either Religion *(i) Severely and Rigorously prohibit all public Preaching, Teaching, Disputing, Writing or Consulting to Impugn the Treaty of Passlaw or the Religious Peace, and privately shall neither Impugn nor call into dispute the Treaty, or deduce assertions to the contrary, and*

*lic impugning of the Treaties forbidden. (i) Severè & rigoroſe prohibent ne quicquam publicè privatum con-*

G 2 what

## 84 Assurance of Abby-Lands.

*cionando, what ever hath been Printed,  
docendo, Divulged or Published to the con-  
disputando, trary, shall be void; and what  
scribendo, doubts soever shall arise in the  
consulendo, Dyets, or other Imperial Con-  
hanc Tran- ventions, shall be amicably trans-  
sactionem acted by the Nobles of either Re-  
impugnet, ligion.  
dubiam fa-  
ciat, aut  
assertiones  
contrarias  
inde deducere conetur.*

*Pa. 53.* In the 18<sup>th</sup>. Section: In  
In the the Conventions of the Depu-  
Conven- ties Ordinary of the Empire,  
tions the Nobility of either Religion  
the De- shall be equal and in extraordi-  
puties nary Commissions concerning  
of the the Affairs of the Empire; if  
Princes the matter be betwixt persons  
of either of the *Augustan* Confession,  
Religi- they only addicted to that Re-  
on to be ligious shall be deputed, and so  
equal. of the Catholics; and if it be  
betwixt Catholics and *Aug-  
ustans*, then the Commission-  
ers to be equal.

In the 19<sup>th</sup>. Section: It is  
ordered that in causes of Re-  
ligion

ligion, and in all other things, where the State was divided in the points of Religion, all differences and suits should be ended by Amicable Composition, (k) and not by plurality of <sup>(k) Non</sup> <sup>assensu</sup> <sup>votorum</sup> <sup>plurality.</sup> Vote.

I might Transcribe the whole Treaty with some Advantage to the design of composing Mens minds not to apprehend the danger of Resumption, and to shew how the *Germans* have accommodated Matters, and live Amicably in the several professions of their Religion, with great advantage as to Peace and Concord, without Tests and Persecution for Religion. But I dare not lengthen this Letter too much, and so must refer you to the Treaty it self.

As to the Objection of the Nuncio's protesting, and Pope *Innocent* the 10<sup>th</sup>'s Bull against it; you may easily conceive, <sup>Concer-</sup> <sup>ning the</sup> <sup>Nuncios</sup> <sup>Prote-</sup> <sup>station,</sup> that

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and the  
Popes  
Bull a-  
gainst  
the  
Treaty.

that it stood not with the Dignity, Honor, or Ecclesiastical Interest of his Holiness to give his open Assent to such an agreement as allowed not only such a publick exercise of a contrary Religion, but spoyled the Church of such great and Opulent Arch-bishopricks, as *Magdeburg* (called the Metropolis of *Germany*) or that of *Bremen*, Erected into a Dukedom, or of the Rich Bishopricks of *Osnaburg*, *Minden*, *Halberstadt*, and *Verdon*, together with most of the Great Monasteries and Church-lands of the North part of *Germany*, which were swallowed up by the Reformed Princes.

Tacit  
conni-  
vance of  
the  
Pope.  
(1) Artic.  
n. 122.

Yet that there has been a Tacit Connivance or Confirmation of this, appears in that the Pope (1) disturbs not the same; and in *Anno* 1657. Ten years after the said Treaty, the French King in the Treaty be-  
twixt

twixt him and *Spain*, Styles himself a Confederate for the Maintainance of the Treaty of *Munster*, yet neither the Pope ( who was *Alexander* the 7<sup>th</sup>. Nuncio at the Treaty of *Munster* ) or his Plenipotentiary disallowed the Title.

The present Duke of *Bavaria* (m) as well as his Father *Maximilian*, not only enjoys the Revenues of several Abbies, but have endowed new Colleges with some of the same Lands, and charged others with great Pensions, and all this with the Popes positive consent.

(m) castle-main pa. 248.

What Catho-lic Prin-ces in *Germany* enjoy Religious Lands.

The Duke of *Newburg* also, that now is *Palatin* hath obtained a dispensation for what he and his Father possessed since *Luthers* time which belonged to the Church, and the *Landgrave* of *Hess* has obtained the like

However since upon the ac-  
G 4 count

That  
the Re-  
formed  
Princes  
enjoy  
the Re-  
ligious  
Lands  
not-  
with-  
standing  
the  
Popes  
Bull  
prohibi-  
ting it.  
There-  
fore  
greater  
security  
here  
where  
confir-  
med by  
two  
Popes.

count of these Treaties, be-  
twixt the Empire, King of  
*France* and *Sweden*, with the  
Concurrence of the Catholic  
Princes of *Germany*, as well Ec-  
clesiastical, as Secular, these  
so great Portions of Church-  
lands are enjoyed to this Day  
peaceably by the Reformed  
Princes and States, notwith-  
standing the foresaid Protesta-  
tion and Bull of the Pope so  
directly disallowing thereof.  
It is to me a very Convincing  
Argument, that we in *England*  
have no reason to fear any Re-  
sumption of such Lands when  
they are so well Confirmed by  
Act of Parliament, and have  
obtain'd the Confirmation of  
two Popes.

Neither is it so new a matter,  
as some may imagin, that an  
Act of Parliament in *England*  
hath been here Judged valid,  
tho' it Diametrically thwarted  
a Canon of the Church, which  
is

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is evident in the Statute (n) of (n) Stat.  
20 H. 3. the words are. *Merton.*  
c. 9.

To the Kings Writ of Bastardy, whether one born before Matrimony may Inherit in like manner as he that is born after Matrimony ; all the Bishops answer, that they would not, nor could not answer to it ; because it was directly against the common Order of the Church, and all Bishops Instanted the Lords, that they would consent that all such as were born after Matrimony should be Legitimate as well as they that be born within Matrimony, as to the Succession of Inheritance, for so much as the Church accepteth such for Legitimate. And all the Earls and Barons with one voice answered, That they would not change the Laws of the Realm which hitherto have been used and approved.

*See Fortescue de Legibus c. 39. selden Comment and Waterhouse Comment fol. 466. and 483.*

This

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This is esteemed as good a Statute Law as any in the Printed Books or upon Record; and yet it is most evident, that the Church judgeth otherwise, as is apparent in the (o) Decree of Pope *Alexander* the 3d. Circa Annum 1159. 5<sup>o</sup>. H.2. to which I refer you.

(o) Decret.  
Greg. Tit.  
17. c. 1.

S E C T. VII.

*Whether Cardinal Pools Confirmation of Church-lands to the Possessors was delusory or not.*

I N the next part of your Letter you take up another of Dr. (a) *Burnets* Arguments, That Cardinal *Pool's* Confirmation was an Artifice, and the Point was carried by those who did not understand the true danger their Estates were in : But considered the present

(a) Hist.  
Reformation lib.2.  
p. 298.



sent Advantages they were to have from the consenting to the Act.

The Reason he gives for this Assertion is, because the Cardinal gave a charge to all to be afraid of the Judgment of God that fell on *Balthazar* for converting the Holy Vessels, which had been taken by his Father, and not by himself, to profane uses; which, saith the Doctor, was to pardon the thing, and yet call it Sacrilege; and that it was studiously designed to possess the People with an opinion of the sin of retaining Church-lands, so that the Confirmation might be looked upon as an Indemnity and Permission to keep them, rather than a Declaration that the Possessors had a Lawful Title.

This you enforce from the Authority of (b) one who assures us he had met with a Register

(b) Letter  
to Dr.  
*Burnet,*

giving an  
Account  
of Cardi-  
nal *Pool's*  
secret  
Powers.  
ps. 1. 2.

Register of Cardinal *Pool's* Letters, and among them the two Breves, and the Letters that passed betwixt the Cardinal and the Bishop of *Arras*, who was afterwards Cardinal *Granvil*, and others that passed betwixt the said Cardinal, and the Cardinal *de Monte*, and Cardinal *Morone* and *Soto* the Emperors Confessor, and some from Cardinal *Pool* to the Pope, and to King *Philip*.

This Gentleman having said this (to gain himself credit with his Readers) proceeds to prove, that it was never intended to confirm the Alienation that was made of the Abby-Lands, and you having made an Abbreviation of what he there lays down to make a plausible proof, I shall Insert them justly.

But because these require distinct Answers, that I may both shew the Infidelity of the

the Author of this Letter, and the designed misapplication of the whole, you must give me leave to shew, first in General, how the whole business was Transacted, and the Reasons of the method; and secondly discover\* the disingenuousness of the Author; and lastly exhibit the Summary of the Breves, and the words of the material parts of them.

The Author of the Letter (c) saith, That Cardinal Pool *pag. 6.* left Rome in November 1553. and was dispatched with general Powers as Legat, and afterwards, viz. 8. March 1554. the first of the Breves was sent him, which probably was an enlargement of the Powers given him at his first dispatch, and those, he saith, very probably carryed more Grace and Favor than was intended or allowed of at first.

To this I answer, he might have

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have known that Cardinal *Post* was returned from *Rome* long before *November 1553.* for he had taken up his Habi-

(d) 1<sup>o</sup>. *Post* tation at (d) *Maguzano* a Mo-  
nitum  
Julii nastery of the *Benedictines*,  
3<sup>i</sup>. *Ponti-* whereof he was Protector  
ficatum when the troubles begun in  
*Anno &c.* *Italy* by reason of the War be-  
*Polus,* twixt the Emperor and *France*,  
*bona cum* soon after *Julius* the 3<sup>d</sup>. was  
*Pontificis* chosen Pope about *Anno 1551.*  
*Venia Ro-*  
*ma exce-*  
*dere & in*

*quietum aliquem locum se recipere cupiens, statuit Maguza-*  
*num secedere in cenobium quoddam Monachorum D. Bene-*  
*dicti Ordinis, quorum ipse Romæ Patronus, atque ut illi*  
*appellant, Protector erat, remotum salubremque locum in*  
*agro Veronensi non procul à lacu Benaco possum. Duditius*  
*vita Card. Poli. p. 22.*

There he received the news of the Death of King *Edward* the 6<sup>th</sup>. and the Assumption of Queen *Mary* to the Crown; upon which he dispatched a Gentleman, by Name *Vincenzo*

(e) *Parpaglia* Secular Abbot of  
(e) *St. Saluto*, to give the Pope  
notice of it, and to offer him-  
self

(e) *Vincen-*  
*tius Par-*  
*palia*  
*homo mag-*

# Assurance of Abby-lands. 95

self for the Spiritual Assistance of *England*; this Letter bears date from that place 7. *August* 1553.

no verum  
usu atque  
experientia  
præditus.  
Id. p. 23.

The Pope had about the same time received the same news, and *motu proprio* declared in Consistory Cardinal *Pool* Legat à *Latere* for *England*.

The Breve of the Legacy (f) bears Date the 6th. of *August*.

(f) Pont.  
Maximus  
Polo Le-  
gationem in  
Angliam  
decernit,  
cique  
amplissi-  
mas facul-  
tates etiam  
creandi  
Episcopos  
tribuit,  
Idem p. 23.

The Gentleman, whom the Cardinal had dispatched, met the Messenger, who carried the said Breve, about *Bononia*, and understanding his business, returned back with him to the Cardinal, who upon the receipt of it, sent his own Gentleman with new Letters to *Rome*, and removed in *October* from the Monastery (g) to a Neigh-

(g) Ner  
mense  
Octobri  
[Anno  
1553.]  
parat &  
Maguza-  
no ad  
Insulam

boring place called the Isle of the *Lake*: So that it appears, that the Cardinal neither departed from *Rome* at first upon account of this Legantine Power,

Benaci  
Lacus  
proficisci-  
tur. Idem.  
pa. 22. B.

Power, nor ever returned thither any more.

As to the proceedings of the Pope, the Emperor *Charles* the 5<sup>th</sup>. and Cardinal *Pool* in the business of the Reconciliation, the Marriage of King *Philip* with the Queen, and the security of Abby-Lands, from what we find in Dr. *Burnets* History, *Petro Soavo*, Cardinal *Pallivicino*, our own Historians, and the Author of the Letter to Dr. *Burnet*, and what I have from the Relation of a Learned person, the matter was thus; The Popes desire was principally the Reconciliation of the Kingdom to the Church of *Rome*; and it is not to be doubted it was his desire that this might be effected, so as a Restitution might be made of the Abby-Lands, and the losses that the Apostolic See had sustained since the Reformation, might be repaired, there-

therefore it is not to be wondered at, that Cardinal (*b*) (*b*) Letter *Morone* should Write to *Pool* to Dr. *Burnet*.  
 13<sup>th</sup>. of *July*, that the Pope The  
 was not yet determined in the Reason  
 business of Church-lands, but why  
 had spoken, very often very Cardi-  
 variously concerning that mat- nal *Pool*s  
 ter. dispatch  
 into

*England* was so slow.

The Reason of all which *Duditus*  
 was, that the Emperor *Charles* gives a  
 the 5<sup>th</sup>. having designed to large ac-  
 Marry his Son *Philip* with count how  
 Queen *Mary*, made use of the the Em-  
 Lord *Page's* assistance, as here- peror  
 after shall be shewn, and the stopt the  
 Emperor had an apprehensi- Cardinal  
 on, that his design in this at *Dilling-*  
 might be thwarted by Cardi- am a  
 nal *Pool*, and the Lord Chan- Town of  
 cellor *Gardiner*. For when the Arch-  
 bishop of  
*Augu-*  
*stine*, the  
 Reason of  
 which the  
 Cardinal  
 not understanding, he resents it ill, as a great disad-  
 vantage to the Conversion of *England*: pag. 23. 24.

H

the

(i) Hist. Reformation, Part 2. fol. 258. and 259. The Reason of the Emperors staying the Cardinal is thus expressed by Dudius.

(k) *Cate-  
rum cupie-  
bat Caesar,  
ut postea  
Intellectum  
est, Phi-  
lippo, ejus  
Filio Ma-  
riam An-  
gliz Re-  
ginam nu-  
b. re. Qua-  
res Anglis  
cum mini-  
me proba-*

the (i) Queen sent *Commendone* (afterwards a Cardinal) to Rome, to give the Pope assurance of her Filial Obedience, and to move the Pope to send the Cardinal with a Legatine Authority: He that Writes the Cardinals Life, Insinuates that the Queen had another design; for she asked *Commendone*, whether the Pope might not Dispense with the Cardinal to Marry, since he was only in Deacons Orders; the Lord Chancellor *Gardiner*, is also thought to have promoted (k) *Pools* Pretensions to the Queen, since her Marrying a Subject, and not a Stranger, would have made the Government much easier and more acceptable to the People, and it would have been the best thing he could have done for himself; because upon that Match he might have probably obtained the Archbishoprick



bishopricks of Canturbury.

retur, nec  
vero Cz-

far nesciam esset quanti Polum Regina multique in Anglia  
Primarii homines facerent, cavendum statuit, ne quam ejus  
adventus moram nuptiis afferret, pa. 24. A.

Edward (1) Courtney Earl (1) Dug-  
of Devonshire, Son of Henry, dales Ba-  
Son of Will. Courtney Earl of ronage,  
Devonshire, and Katharine part 1.  
Daughter of Edward 4th. in fol. 643.  
regard of his Royal Descent,  
flourishing Youth, and courte-  
ous disposition, was also pro-  
posed as an Husband to Queen  
Mary.

But my Lord (m) Paget, (m) Idem  
one of the Executors of King part 2.  
H. 8th. who in the 4th. of E. fol. 391.  
6th. was sent Ambassador to An. 1549.  
Charles the 5th. and the very  
next Year, accused as one of  
the Complices of the Duke of  
Sommerfet, sent to the Tower,  
bereaved of the Ensigns of the  
Garter, and Fined 6000 l.  
Upon King Edward the 6th's  
Death he joyned with the Earl  
of Arundel, to set up Queen  
H 2 Mary,

*Mary*, and upon her being Proclaimed at *London* Rid Post to acquaint her with it. He apprehending the advantage would accrue by the Match of the Queen with *Philip* then Prince of *Spain*, Eldest Son to the Emperor *Charles* the 5<sup>th</sup>. so far prevailed, that the Emperor gave him full Power to Transact it with that Queen, and in one Afternoon he adjusted the matter with her, and having a good share of Church-lands, as well as several others, no doubt he did his utmost endeavors to get the Emperor to Insist upon the security of Abby-lands, when he was sent with *Edward* ( *n* ) Lord *Hastings*, Master of the Horse, about *September* 1554. to fetch Cardinal *Pool* as well as he had done formerly in his Negotiations with the Emperor, with whom joyned *Williams* Earl of *Pembroke*, the Lord *Ruffel*, and Sir

(*n*) Dudi-  
tius vita  
Poli p. 26.

assurance of Abby-Lands. 101

Sir *William Peters*, and many others equally concerned in Abby-lands.

When this Marriage was once agreed upon, the unfortunate *Courtney* was soon forbid the Court, to colour which, his pretensions to the Lady *Elizabeth*, and his Confederacy with *Wyat* were alledged.

The Emperor having entertained the thoughts of this Marriage as of greatest advantage to him, by joyning the great Kingdoms of *England* and *Ireland* to his House, whereby he might not only be assisted with Naval and Land Forces against *France*, but greatly assist his *Netherlands* by the Vicinity of *England*; studied all the ways he could to render the Match more acceptable to the English, and by the composing Mens minds there, and gaining a firm security, that all might enjoy their

The advantage the Emperor proposed to himself by the Marriage of Prince *Philip* to Queen *Mary*, and how this contributed to the con-

firming  
of Abby-  
lands to  
the Pos-  
sessors.

Abby-lands, prevent all occasions of Rebellion, and the easlyer effect the Pope's and all Roman Catholics desires, to have the Kingdom of *England* Reconciled to the Church of *Rome*: He rightly apprehending, that if those Lands were secured, there would be no great difficulty to bring the Body of the Kingdom to return again to the Bosom of the Church, he having had large experience in his affairs of *Germany*, what obstructions the matter of Church-lands occasioned.

By all this it is manifest to all unprejudiced persons, how much it was the Interest of the Emperor, King *Philip*, the Queen, and all her Subjects, to get those Lands sufficiently secured, that the Reconciliation might the easlyer be effected: And it is the most improbable thing in the World, that the  
Interested

Interested persons would omit the due care to have them so secured, as they might neither be in danger of a Resumption from the Church or State.

As to the Popes encreasing the Powers given to Cardinal *Pool*, *pian piano*, step by step, the Reason of it is very evident, since it might be rationally expected, that it was for obtaining the great end of the Reconciliation, that the Indulgences and Dispensations of the Pope were granted, and it could not be foreseen at *Rome*, nor in the Emperors Court, nor even in *England* at first, how much would satisfy; and that seems to me the evident Reason why the Emperor kept the Cardinal so long from passing to *England*, till all things were adjusted at *Rome*, and all satisfaction given in *England* in this as well as the Marriage.

The Pope wrought upon by the Emperor to enlarge the Powers of Cardinal *Pool*.

H 4

These

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These things appear even  
 (o) Pa. 13. by the Confession of the (o)  
 Author of the Letter to Dr.  
*Barnet*; for he owns, that it  
 appears by the Breve the 10th.  
 of July 1554. that the Pope  
 in consideration of the Prince  
 of *Spains* being Married to the  
 Queen of *England* enlargeth  
*Pools* Powers; an account of  
 which the Cardinal sent to the  
 Bishop of *Arras* by *Ormanet*,  
 (p) P. 16. (p) who was not Secretary as  
 And this Writer saith, but Audi-  
 Duditus tor to the Cardinal; for *An-*  
*visa Poli* thony *Floribellus* was his Secre-  
 Pa. 23. tary. The Bishop of *Arras*  
 Writ to the Cardinal the 3d.  
 of *August* following, that the  
 Emperor would send to *Eng-*  
*land* to know the State of affairs  
 there, which he thought must  
 be done first before the Legat  
 could go over.

Also in the Letter from the  
 (q) Pa. 15. Cardinal (q) to the Pope, Da-  
 ted from *Brussels*, *October* 13th.

1554.

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1554. he gives his Holiness an account, that he had told the Emperor, that tho' as to matters of Faith the Pope would slacken nothing, nor shew any manner of Indulgence; yet in the matter of the Church-lands, in which the Pope was more at liberty, he was resolved to be gentle and Indulgent: And as to all the pains and censures that the Possessors had incurred, and the Rents that they had enjoyed (which were points of great Importance) he was resolved to use all sort of Indulgence towards them, and to forgive all; nor had he any design of applying any part of their Goods, either to himself or to the Apostolic See, of which some were afraid — and such regard the Pope had to the King and Queen of *England*, (r) that he was resolved to grant, upon their Intercession, what-

How far  
the  
Pope  
granted  
to yield.

(r) Pa. 16.

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whatsoever should be thought convenient, to such persons as they should think worth gratifying, or were capable to assist in the design of settling the Religion.

The cau- Yet it appears, that this  
tious did not fully satisfy the Em-  
pro- peror, who as our Author saith,  
ceedings Answered with new delays,  
of the and owned, that since the  
Emper- Goods were Dedicated to God,  
or in it was not fit to grant every  
propos- thing to those that held them,  
ing dif- and therefore tho' the Cardinal  
ficulties. had told him how far his Pow-  
er extended, yet it was not  
fit that it should be generally  
known. The Emperor (f)  
further gave him to under-  
stand, that regard must be had  
to the ill dispositions of the  
parties concerned, since the  
Aversion that the English Na-  
tion had to the very name of  
Obedience to the Church, or to  
a Red Hat, or a Religious  
Habit,

Pa. 17.



# assurance of Abby-Lands. 107

Habit, was so Universal, that his Son had been advised to make the Friars that came over from *Spain* with him, to change their Habits: But tho' he had done it, yet the danger of Tumults deserved to be well considered.

It is worth considering how disengenuous an Inference, the Author of the Letter makes from this, that the Cardinal intended only to grant a general discharge to all the Possessors of the Abby-lands for what was past; but resolved to give no grants of them for the future, except only to such as should Merit it, and for whom the Queen should interceed, and whose Zeal in the matter of Religion might deserve such a favor, and that the Emperor intended no more; and that he thought this should be kept as a great secret, when as he well knew, that the Powers

The disengenuous reflections made upon the Emperors difficulties.

Note, the Queen did Interceed for all.

ers, given to the Cardinal were of great extent, and that he fully executed them, as I shall make it appear when I Treat of the Breves themselves and of the Dispensation of the Cardinal pursuant to them:

Having thus stated the matter of Fact I shall proceed to Answer the Objection more particularly, which you insist upon.

Objection, that only moveable Goods were granted upon condition to restore the Lands.

First therefore, as to what Dr. Burnet saith, that the Cardinal in the Absolution, put them in mind of *Balthazar*, and the expression in the Breve of the 4th. of March 1554. Pope *Julius* the 3d. gave the Cardinal Power only to *Agree, and Transact with the Possessors of the Goods of the Church*; for the Rents which they had unlawfully received, and for the moveable Goods, which they had consumed and for freeing and discharging them for them, they resto-

restoring first (if that should seem expedient to him) the Lands themselves that were unduly detained by them; and the Pope intended no security, but on those conditions.

In Answer to this, I shall first give you the words of the Breve (t) *Ac cum possessoribus bonorum Ecclesiasticorum (restitutis prius, Si (u) tibi expedire videatur, Immobilibus per eos indebite detentis) super fructibus male perceptis ac bonis mobilibus consumptis concordandi, & transigendi, ac eos desuper liberandi, ac quietandi, &c.*

(t) Letter to Dr. Burnet.

(u) The expression to be noted.

Answered, first as to the

Here I desire you to consider, that among the movables of the Church, two particulars are to be distinguished. First the Vessels Consecrated to the use of the Altar; such were Chalice, Patens, Crucifixes and such like: And secondly, the Rents and Profits received of the Lands, Tythes, or Pensions belong-

moveables what was to be excepted, viz.

Church stuff unchanged.

belonging to the Church :  
 Concerning the first it is, that  
 the Cardinal in his Admoni-  
 tion expresseth himself, that  
 altho' he had released indi-  
 stinctly to them that possess'd  
 them, all the movable things  
 of the Church, yet he would  
 have all admonished, that  
 they having before their Eyes  
 the severity of Divine Judg-  
 ment against *Balthazar* (w)  
*&c.* should restore them to  
 their proper Churches, if they  
 were in being, or else to o-  
 thers. Now, the plain mean-  
 ing of this is, only to admo-  
 nish these who had such Vef-  
 sels of Silver or Gold, or other  
 Utensils or Church-stuff, as  
 yet entire, undefaced, or mel-  
 ted down, should restore  
 them to the Churches from  
 whence they were taken ;  
 which surely was no ill Ad-  
 monition, since God Almight-  
 y appointed the Censors of  
*Corah*

(w) Stat.  
 1<sup>o</sup>. & 2<sup>o</sup>.  
*Philip. &*  
*Maria.*  
 c. 8.

## Assurance of Abby-lands. III

*Corah, (x) Dathan and Abiram* (x) *Thu-*  
 to be made Plates of, for the *ribula, &c.*  
 Altar, because they were of- *nam admo-*  
 fered before the Lord, and *uerunt*  
 therefore were Holy. If there- *illa coram*  
 fore the Censors of such Sin- *Febova;*  
 ners were holy; can any ima- *Ideo sancta*  
 gin, that the Cardinal would *sunt. Num.*  
 not Judge the Chalices, &c. *c. 17. v. 3.*  
 such?

Secondly, As to the clause  
 of the Breve, I shall presently  
 shew how much that Power  
 was enlarged by those that fol-  
 low, and even in that it is left  
 to the Cardinals discretion, *to*  
*do it if he thought it expedient,*  
 which by the Faculties he had  
 after, was not required of him,  
 and so he most absolutely ac-  
 quitted all of them, as will ap-  
 pear by the Dispensation it  
 self.

From hence we may judge  
 the Enviousness of the (y) (y) *Pa. 7.*  
 expressions of the Author of the  
 Letter to Dr. *Burnet*, that  
the

The en-  
vious  
expres-  
sions of  
the Let-  
ter to  
Dr. Bur-  
net.

(2) Hist.  
Reforma-  
tion 2. §.  
p. 298.  
Dr. Bur-  
nets fri-  
vulous  
Infer-  
ence.

(1) Letter  
to Dr.  
Burnet.  
pa. 5.

*the discharging what was past, might have been done by Cardinal Pool, before or after Restitution as he pleased; but Restitution was still to be made, and he had by these Powers no Authority to confirm the Alienations that had been made by King Henry the 8th. for the time to come, and of that of Dr. Burnet, (2) concerning the Lands in general, that when Men were near Death, and could no longer enjoy the Lands themselves, it was not to be doubted but the Terror of Sacrilege and the Punishment due to it, with the hope of that relief, and comfort, that Soul-Masses might bring them in Purgatory, would prevail with many of them to make at least great, if not entire, Restitution; or that of his (1) Colleagues, that it was most likely that if a Priest came to tell them a frightful Story of Purgatory, and did aggravate the heinousness of Sacrilege, they would*

# Assurance of Abby-Lands. 113

would easily be wrought upon to take care of themselves in the next World, and leave their Children to their shifts in this, and that every fit of sickness, or (b) cross accident, would by (b) *Idem* the Priests Rhetorick look like pa. 11. the beginning of the Curse which fell upon Ananias and Saphira, &c.

Whereas I shall make it appear, that Roman Catholics, No reap-  
by the Popes Dispensation, son for  
think themselves acquitted in such  
*foro conscientia*, and for Prote-  
stants I think they entertain no  
such scruples: Since all that  
Sir Henry (c) *Spelman* hath (c) *De non*  
Writ in his Book, that Church- *Temeran-*  
es are not to be violated, hath *dis Eccle-*  
hitherto made no very great *sia*.  
number of Converts, tho' it  
hath been Reprinted five  
times.

But these two Gentlemen  
are so desirous, that nothing  
may be restored to Religious  
I Houses,

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Houses, yea or to Parish Churches, that they number it among the designs formed to recover (d) Abby-lands, that the Statute of *Mortmain* was repealed for Twenty Years, which Statute, saith he, was a restraint upon profuse endowments of Churches, and the suspending of it, for so long a time, gave the Monks scope and Elbow room, that in that time they might hope the most part of them would be restored.

(d) Letter  
p. 5.  
Concerning  
the Re-  
peal of  
the Sta-  
tute of  
*Mort-  
main.*

I shall not enter upon the considerations, that induced that Statute to be made; the principal of which was, that Lands given to Religious Houses, &c. were exempt from several burthens payable for the support of the Public, so that the more were given, the less assistance the Crown would have in Personal Service or Aids. But when it is considered



dered how vast a Portion of the Patrimony of the Church was swept away and annexed to the Crown in King *Henry* the 8<sup>th</sup>'s. and King *Edward* the 6<sup>th</sup>'s. days; we are not to wonder if the Statute of *Mortmain* was dispensed with for such a time, that the Subjects might be left at liberty to restore to Parishes or Religious Houses what they were inclined to, without prohibition: But as it effected no great matter, and was so few Years in force, it argues more spightfulness than Real sense of prejudice, for any from those twin Authors once to insist upon it.

I now proceed to the consideration of the previous Breves which the Author (*e*) of the Letter to Dr. *Burnet* mentions, and makes his Comment upon: And so boldly affirms, *that the whole Transaction was a public cheat put upon the Nation*.  
(e) Pa. 9.  
10.  
The dis-  
ingenu-  
ous.

Inferen-  
ces of  
the Au-  
thor of  
the Let-  
ter  
to Dr.  
Burnet.

*on, or at least on the Possessors of the Abby lands; since it neither granted them a good Title in Law, (he means the Canon Law) or gave any security to their Consciences in enjoying that which according to the Doctrin of the Church of Rome is plain Sacrilege — and that it is plain by the progress of this matter, that the Court of Rome never intended to confirm Abby-lands; for all that was done by Pool was only an Artifice to still Mens fears, and to lay the clamor, which the apprehension of the return of Popery was raising, that so it might once enter with less opposition, and then it could be easie to carry all lesser matters when the great Point was once gained.*

I shall now therefore shew the Insincerity of this Author and the legal force of these Breves, and the Act of Parliament persuant to them.

First he tells us out of the  
(f) Register

## Assurance of Abby-Lands. 117

(f) Register, that the Limi- (f) *Idem*  
 tations in the former Breve, pa. 8.  
*viz.* the 8<sup>th</sup>. of March 1554. New  
 were so distasteful, both in Eng- Breves  
 land, and at the Emperors obtain-  
 Court, that *Pool* found it ne- ed with  
 cessary to send *Ormanet* to larger  
*Rome* for new Instructions, and Powers.  
 fuller Powers, and Addressed  
 him to Cardinal *de Monte* for  
 procuring them; *Ormanet* was  
 dispatched from *Rome* in the  
 end of *June* 1554. and came  
 to *Pool* by the end of *July*, as  
 appears by the Date of *Pools*  
 Letter to the Cardinal *de Monte*,  
 which is the 29<sup>th</sup>. of *July*,  
 upon the receipt of the two  
 Breves that *Ormanet* brought  
 him, bearing Date the 26<sup>th</sup>  
 and 28<sup>th</sup> of *June* 1554.

The first of these, saith the How  
 Author, is only matter of Form, the  
 empowering him to Act as a Powers  
 Legate, either about the Em- of the  
 peror, or the King of *France*, first  
 in as ample manner, as former Breve  
 Legats are con-

Sealed  
by the  
Author  
of the  
Letter  
to Dr.  
Burnet.

Legates had done ; so he gives us no Transcript of that, whereby his Insincerity is most manifest ; for the words relating to this affair in that Breve are very material, which I shall give you Transcribed from the Register by a Reverend person in whose Possession it is at present.

The  
Breve.  
(2) Regi-  
strum Ne-  
gociatio-  
num Cardi-  
nali Poli.

(g) *At licet te multis & quidem amplissimis facultatibus, quibus etiam in partibus Flandriæ existens, quoad personas & negotia Regni Angliæ uti possis ; per diversas nostras, tam sub plumbo quam in forma Brevis confectas literas munivimus, prout in illis plenius continetur : Quia tamen ob Schismata & alios errores quibus dictum Regnum diutius infectum fuerit, multas casus potuerunt contingere qui provisione per dictam sedem facienda Indigebunt, & sub dictis facultatibus velut Infiniti, & inexcogitabiles, comprehendi nequiverunt,*

quiverunt, & insuper à nonul-  
lis, hasatur an à Facultatibus  
huiusmodi, &c.

Nos de tuis, Fide, Pietate, Re-  
ligione, Doctrinâ & prudentiâ  
in Domino, bene confidentes, &  
volentes omnem in pramissis hasi-  
tandi materiam amputare! Cir-  
cum spectioni tuæ, ut ubicunque fu-  
eris, &c. Legationis tuæ huiusmo-  
di durante, omnibus & singulis  
tibi concessis, & in posterum con-  
cedendis facultatibus quoad  
personas, & Regni negotia, &  
Insularum & Dominiorum huius-  
modi, per te vel per alium, ali-  
quem, juxta ipsarum facultatum  
continentiam, & tenorem uti,  
ac omnes & singulos quæ tibi per  
Omnipotentis Dei ac nostro &  
ejusdem sedis honore, nec non  
Regni, Insularum, & Domini-  
orum prædictorum ad sancta Ec-  
clesiæ Communionem reductionem,  
ac personarum in illis existentium  
animarum saluti expedire  
Judicaveris, etiam si ea, in ge-  
nerali mandato, & facultatibus

*tibi alias concessis non veniant; sed specialem expressionem, & mandatum magis speciale requirant, dicere, facere, exercere, & exequi & Apostolica Autoritate tenore presentium concedimus, & Indulgemus & facultates tibi concessas predictas ad hac omnia extendimus: Non obstantibus, &c.*

The  
Breve  
English-  
ed.

*In English thus.*

‘Altho’ we have Impower-  
‘ed thee with many, and those  
‘most ample Faculties by divers  
‘of our Letters, as well made  
‘under Lead as in the Form of  
‘Breves, which while thou  
‘Residest in *Flanders*, thou  
‘mayest use, as well to the  
‘Persons as to the Affairs of  
‘the Kingdom of *England*, as it  
‘is more fully contained in  
‘them. But by reason of the  
‘Schisms and other Errors  
‘with which the said Kingdom  
‘hath been long Infected, many  
‘cases may happen which may  
‘need

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‘ need Provisions to be made  
‘ by the said See, and being as  
‘ it were Infinite and not to be  
‘ before thought of, cannot be  
‘ comprehended under the said  
‘ Faculties, and likewise it is  
‘ doubted by some, whether  
‘ thou be Impowered by the  
‘ same Faculties, &c. We in  
‘ the Lord well confiding in  
‘ thy Faith, Piety, Religion,  
‘ Learning, and Prudence, and  
‘ willing to cut off all cause of  
‘ doubting in the premises to  
‘ thy circumspection where  
‘ ever thou art, &c. During  
‘ this thy Legation, give thee  
‘ Power to use by thy self; or  
‘ any other, according to the  
‘ Contents and Tenor of the  
‘ said Faculties all and singular  
‘ the same already granted to  
‘ thee, or to be granted to thee  
‘ for the Persons and Affairs of  
‘ the Kingdom, and the Isles  
‘ and Dominions of the same,  
‘ and to Pronounce, Do, Ex-  
‘ ercise,

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‘ercise, and Prosecute, all  
 ‘and singular things which for  
 ‘the Honor of Almighty God  
 ‘and ours and the said See, as  
 ‘also for the Reduction of the  
 ‘said Kingdom, Isles and Do-  
 ‘minions to the Communion  
 ‘of the Holy Church, and the  
 ‘health of the Souls of the per-  
 ‘sons living in the same, *thou*  
*shalt think expedient altho’ they*  
*fall not within the general Com-*  
*mand and Faculties otherwise*  
*granted to thee, but require*  
*special Expression and Command,*  
 ‘and by Apostolical Authori-  
 ‘ty, by the Tenure of these  
 ‘Presents, we Grant and In-  
 ‘dulse, and Extend to all  
 ‘these the foresaid Faculties  
 ‘granted to thee. &c.

Can any one that Reads this  
 Breve be so ignorant as to think  
 this contained matter of Form  
 only? whereas on the contrary  
 it rather Imports a General  
 and Unlimited Power given  
 the



## Assurance of Abby-Lands. 123

the Cardinal, to grant every thing that tended to the Honor of God, the Pope, &c. which in the Opinion of all Roman Catholics nothing could more effectually do, than the reducing the Kingdom, &c. to the Communion of the Catholic Church.

The second Breve of the 28<sup>th</sup>. of June, being to be found (b) Printed at length in the said Letter, I shall not Transcribe the Latin, but only Translate it, the Tenor follows.

(b) Letter to Dr. Barret.

‘Whereas in the late  
 ‘Months by-past, hope was The  
 ‘given us, by Gods Mercy, Breve  
 ‘and the great Religion and of the  
 ‘Piety of our dearest Daughter 28<sup>th</sup>. of  
 ‘in Christ, *Mary Queen of Eng- June*  
 ‘land, that the most Noble 1554  
 ‘Kingdom of *England*, which  
 ‘very long, by the Impiety of  
 ‘some was torn from the Body  
 ‘of the rest of the Catholic  
 ‘Church, would be reduced to  
 ‘the

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' the Union of the said Catho-  
 ' lic and Universal Church,  
 ' without which Salvation can  
 ' be to none ; therefore we de-  
 ' stine thee to the said Queen  
 ' *Mary*, and to all that King-  
 ' dom, as Legat à *Latere* of us  
 ' and the Apostolic See, as an  
 ' Angel of Peace and Concord,  
 ' by the Counsel and Unani-  
 ' mous assent of our Venerable  
 ' Brethren the Cardinals of the  
 ' Holy Roman Church ; and  
 ' have Impowered thee with  
 ' all the Faculties which we  
 ' have thought necessary to the  
 ' effecting so great a business, or  
 ' are any way seasonable for it ;  
 ' and among other things have  
 ' given Authority and Faculty  
 ' to thy Circumspection, to  
 ' Accord, and Transact with  
 ' the Possessors of Ecclesiastical  
 ' Goods ; concerning all the  
 ' Fruits unjustly received, and  
 ' the Moveable Goods wasted,  
 ' and them to free and acquit  
 ' when

' when it can be done, as in our  
 ' Letters thereupon made it is  
 ' more fully contained. Whereas  
 ' for these beginnings, which  
 ' by the Industry and diligence,  
 ' and right and constant mind  
 ' to God of the said *Mary*, and  
 ' in that matter by thy co-op-  
 ' erating Study and Counsel,  
 ' the foresaid work of Reducti-  
 ' on in the said Kingdom to  
 ' this Day hath, and the per-  
 ' fection of the said Famous  
 ' work is dayly more to be  
 ' hoped; and the matter may  
 ' be known, thereby to have  
 ' more easie progress, so much  
 ' the more, as we shew hope  
 ' of Apostolical Benignity and  
 ' Indulgence in the Possessions  
 ' of the Ecclesiastical Goods  
 ' occupied by the Men of that  
 ' Province in the confusion of  
 ' the late times. We not wil-  
 ' ling for any Earthly respects  
 ' to hinder such a recovery of  
 ' a Nation, the most beloved  
 ' of

' of us in Christ, after the cu-  
 ' stom of an Holy Father to-  
 ' wards Sons of us and the Holy  
 ' Catholic Church, after a  
 ' long time of dangerous Tra-  
 ' vel abroad, meeting them  
 ' that look back and return,  
 ' with a wished Embrace: In  
 ' whose excellent Vertue, sin-  
 ' gular Piety, Learning, Wis-  
 ' dom and Dexterity, we ha-  
 ' ving in the Lord full trust, at  
 ' thy own *Arbitrement by our*  
 ' *Authority*, give thee full Power  
 ' of Treating, Agreeing, Trans-  
 ' acting and Compounding  
 ' with whatever Possessors or  
 ' Detainers of Ecclesiastical  
 ' Goods, as well Moveable, as  
 ' Immoveable in the said King-  
 ' dom; for whom the said most  
 ' Serene Queen *Mary*, shall In-  
 ' tercede and give the full and  
 ' free Apostolical Authority by  
 ' the Tenor of these Presents,  
 ' and of certain knowledge to  
 ' dispense with them, that  
 ' they

' they may retain the said  
 ' Goods without any scruple  
 ' for the future, and of conclud-  
 ' ing, and doing all and singu-  
 ' lar other things which in  
 ' these and about these are any  
 ' way necessary and season-  
 ' able; *saving however in these*  
*matters, in which for the great-*  
*ness and the weightiness of them*  
 ' this Holy See of due *may be*  
*thought by thee to be consulted,*  
 ' our and the said Sees good Will  
 ' and Confirmation, notwith-  
 ' standing the Letters of Pope  
 ' Paul the 2d. our Predecessor  
 ' of happy Memory, of not A-  
 ' lienating Church-Goods, un-  
 ' less by observing a certain  
 ' Form, or any other Apostoli-  
 ' cal Edicts, General or special  
 ' Constitutions and Ordinati-  
 ' ons in Provincial or Synodal  
 ' Councils, or any Oath, or  
 ' Apostolic Confirmation of  
 ' any Churches, Monasteries,  
 ' or other Regular or Holy  
 ' Places,

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‘ Places , or by any other Firm-  
‘ nels corroborated , Foundati-  
‘ ons, Statutes and Customs, ha-  
‘ ving their Tenors sufficiently  
‘ expressed , to the contrary  
‘ whatsoever.

The in-  
sincerity of the  
Author  
of the  
Letter  
to Dr.  
Burnet.

From this Breve the Author  
of the Letter would Insinuate,  
that the *Salvo* took all away,  
and vacated all the Concession  
of the Pope , to make which  
the more probable he renders  
the *Salvo* thus , *that he reserves*  
*all to the Popes Confirmation and*  
*good pleasure in all those things*  
*that were of such Importance ,*  
*that the Holy See ought first*  
*to be consulted by Pool ;* which  
even as this Translator renders  
it, may but seem a necessary  
Reservation , because some  
matter of great Importance ,  
might require it ; but as it is  
in the ( i ) Breve *it is only in*  
*such things as should to the Car-*  
*dinal seem fit , that the Holy*  
*See should be consulted ;* and I  
have

(i) *Hac*  
*sancta sedes*  
*merito tibi*  
*videretur*  
*consultanda.*

have not yet Read that the Cardinal found any further cause to consult the Pope, or obtain greater Powers: For he makes the dispensation general without any such Reservation, and it is well known that when the Emperor and *Granvillanus* Bishop of *Arras*, afterwards Cardinal, understood this Breve was sent, they said if they had known the extent of it, they had not Importuned the Pope any further, and our Friend of Dr. (k) *Burnets* (k) Pa. 14. saith, 'that by *Ormsnets* Letter 'it appears, that these last 'Powers gave the Emperor full 'satisfaction, and were not at 'all excepted against; only '*Granvillanus* made some difficulty in one Point; whether 'the settlement of the Church 'lands should be granted as a 'Grace of the Popes, by the 'Cardinals hands Immediately 'to the Possessors, or should be

K                      'grant-

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‘granted to *Philip* and *Mary*,  
 ‘and by that means to the Pos-  
 ‘sessors; for it seems, saith he,  
 ‘it was thought a surer way to  
 ‘engage the Crown to main-  
 ‘tain what was done; if the  
 ‘Pope were engaged for it to  
 ‘the Crown, with which he  
 ‘would not venture so easily to  
 ‘break, as he might perhaps do  
 ‘with the Possessors themselves:  
 ‘But, continues he, *Ormanet*  
 ‘gave him full satisfaction in  
 ‘that matter, for the manner  
 ‘of settling it being referred  
 ‘wholly to the Cardinal by his  
 ‘Powers, he promised he  
 ‘would order it in the way  
 ‘that should give the Nation  
 ‘most content.

Having thus removed all  
 the difficulties I have met  
 with, and the objections a-  
 gainst the fulness of Cardinal  
*Pools* Powers granted by Pope  
*Julius* the 3<sup>d</sup>. It is full time  
 to consider the Transactions of  
 the



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the Cardinal in order to his Execution of the same Powers, to the quieting of the Possessors Consciences, and securing them from all Ecclesiastical censures.

S E C T. VIII.

*Cardinal Pools confirmation of Abby-lands, to the present Possessors, and the Act thereupon.*

**B**Efore I give you an account of the Act it self, I think it necessary to shew the Cardinals Progress towards the Reconciliation, which was the Foundation of the Confirmation of the Abby and Chantry Lands given to King *Henry* the 8<sup>th</sup>. and *Edward* the 6<sup>th</sup>. by the respective Acts of Parliament; which Relation I extract out of

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*Duditius* in his Life of Cardinal *Pool*, an Author I shall have occasion to mention hereafter.

(4) *Duditius* p. 26.  
A. B.  
He had been attainted by Act of Parliament and that was taken off two days before  
viz. 22.  
Novem.

‘(a) In September 1554. in the Company of the Lord *Pa-*  
‘*get* and *Hastings*, (sent by the King for that purpose) Cardi-  
‘nal *Pool* arrived at *Callice*,  
‘and there met six of the Kings  
‘Ships sent for him. At *Do-*  
‘*ver* the Bishop of *Ely* and the  
‘Lord *Montacute* met him,  
‘and at *Gravesend* the Bishop  
‘of *Durham* and the Earl of  
‘*Salisbury*, who brought with  
‘them the Act of Parliament  
‘for his Restitution under the  
‘Broad Seal. Then he took  
‘Shipping, and by their Ma-  
‘jesties appointment had the  
‘Silver Cross (the Emblem  
‘of his Apostolic Legatship)  
‘placed in the fore Deck of his  
‘Vessel, and accompanied  
‘with many Boats and Barges  
‘he came to the Court; the  
‘(b) Bishop

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‘ (b) Bishop of *Winchester*, Lord (b) *Id. p.*  
 ‘ Chancellor met him at the <sup>27.</sup> The Re-  
 ‘ Shore, and presently the King ception  
 ‘ also, and the Queen received of the  
 ‘ him at the top of the Stairs. Cardi-  
 ‘ Having staid some while with nal.  
 ‘ their Majesties, he was by  
 ‘ the Bishop of *Winchester* and  
 ‘ several Nobles conducted to  
 ‘ *Limbeth*, which the Queen  
 ‘ had caused to be Richly fur-  
 ‘ nished for his Reception.

‘ After three Days he wait-  
 ‘ ed on the King, who met him  
 ‘ out of his Bed-Chamber,  
 ‘ bringing a bundle of Letters  
 ‘ directed to him, lately brought  
 ‘ from *Rome*, and with them the  
 ‘ Pope sent an (c) Amplifica- (c) *Cum*  
 ‘ tion of his Powers, which *eoque Pon-*  
 ‘ was greatly desired saith my *tifex Fa-*  
 ‘ Author, by which expression *cultatum*  
 it is manifest, that this Bull *Legati*  
 was satisfactory. *Amplifica-*  
*tionem mi-*  
*serat qua*  
*maxime*  
*expectab-*  
*tur Id.*

‘ The Day after the King  
 ‘ gave a visit to the Legat; and  
 ‘ there they had Conference, p. 27. b.

‘how the Kingdom of *England*  
 ‘might be revoked to the Unity  
 ‘of the Church.

The  
 Cardi-  
 nals  
 Speech  
 to the  
 Houses.

(d) *Has*  
*viz. Leges*  
*quod illi*  
*abrogasset,*  
*in sese pro*  
*tanto bene-*  
*ficio gratis*  
*ageret &*  
*habiturum*  
*semper,*  
*quantas*  
*posset max-*  
*imas, atque*  
*hoc qui-*  
*dem Bene-*  
*ficium eo*  
*sibi conti-*  
*nasse grati-*  
*as, quod*  
*facultatem*  
*sibi praebe-*  
*ret, vicif-*  
*sim illis*  
*Interueniendi*  
*in tanta re,*  
*& causa*

‘The next Day the Cardinal  
 ‘came to the Parliament, and  
 ‘the Lord High Chancellor  
 ‘made a Speech to the Houses,  
 ‘letting them know how the  
 ‘Cardinal was sent as Legat  
 ‘from the Pope to their Ma-  
 ‘jesties and all the Kingdom of  
 ‘*England*; and having explain-  
 ‘ed to their Majesties the Com-  
 ‘mission of his Legatship, in  
 ‘the Audience of all, The  
 ‘Cardinal in the English  
 ‘Tongue made a long (d) O-  
 ‘ration, thanking them for  
 ‘the taking off the Laws that  
 ‘hindred him from entring the  
 ‘Kingdom, and this favor he  
 ‘said was the more acceptable  
 ‘to him, in that it gave him  
 ‘a Power, on his part, to serve  
 ‘them in such a matter and  
 ‘cause, which so greatly ap-  
 ‘pertained to their safety and  
 ‘Salva-

‘Salvation : That he came  
‘thither for that cause, that as  
‘by them he was restored to  
‘his Earthly Country, and  
‘Nobility, so on his part he  
‘might restore them to their  
‘Heavenly Country and No-  
‘bility, which they had depri-  
‘ved themselves of, when they  
‘departed from the Unity of  
‘the Church.

que  
ransopere  
ad cornu  
incolumi-  
tatem &  
salutem  
pertineret,  
seque  
illuc prop-  
terea venis-  
se ut quem-  
admodum  
ab illis in  
terrenam  
pauisim, &  
mobili-  
tatem Re-

stitutus ipse fuerat, ita versus eos in caelestem Patriam, ac Nobilitatem Restitueret, qua ipsimet sese tum privassent, cum ab Ecclesia unitate desciverant. Idem. p. 27. b.

‘ Then he remembered them  
‘ what Calamities they had un-  
‘ dergone, how great a Benefit  
‘ by the great bounty of God  
‘ was proposed to them, and  
‘ how great benefits in all times,  
‘ especially from the Apostolic  
‘ See, were afforded them, that  
‘ they might at length acknow-  
‘ ledge the Errors of former  
‘ times, and truly and from  
‘ their Souls detest them, and

'exhorted them, that with all  
 'alacrity of Soul, they would  
 'receive and studiously retain  
 'the benefit, that God in the  
 'Name of his Vicar by his  
 'Legatship had brought to  
 'them.

'That it now remained that  
 'since he was come, and  
 'brought the Keys by which  
 'he might open the Doors of  
 'the Church to them, and as  
 'they had opened a Passage to  
 'him into his Country, by ab-  
 'rogating the Laws which  
 'shut him out, so on the other  
 'side he desired they would  
 'abolish all Laws which were  
 'made against the Apostolic  
 'See, by which they were  
 'wholly cut off and torn from  
 'the rest of the Body of the  
 'Church.

'While the Legat spoke  
 'these things, all heard him  
 'with great attention and  
 'silence, and many often lift  
 'up

‘up their hands that one might  
‘observe they were much moved,  
‘and received no small Edification  
‘by the Speech of the Legat.

‘Then the Chancellor, in  
‘the Name of the King and the  
‘whole Parliament, gave the  
‘Legat thanks, and told him  
‘that they would deliberate among  
‘themselves of those things  
‘he had spoken.

‘The Legat being withdrawn  
‘into the next Chamber, the  
‘Chancellor made a Speech to  
‘the Parliament, relating the  
‘sum of the Legats Speech, and  
‘acknowledging, that he himself  
‘was one of those that had  
‘fallen; and admonished them  
‘how great the benefit of God  
‘to them was, that all might  
‘again arise and exhorted  
‘them to receive the pardon  
‘offered them.

The resolves of the Parliament conformable to the Legats Speech.

‘At the next meeting, the  
‘Day

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(o) cum  
de correla-  
tione effet,  
ut ad Ec-  
clesia uni-  
tatem redi-  
retur. Id

omnes mirifica consensione approbarunt.

‘ Day after, (e) all with a won-  
‘ derful assent yielded to re-  
‘ turn to the Unity of the  
‘ Church.

The Le-  
gats ap-  
pear-  
ance at  
the Par-  
liament  
on the  
day of  
the Re-  
contili-  
ation.

‘ The Day following, being  
‘ St. *Andrews* Day, the Parlia-  
‘ ment assembled, the King sent  
‘ the Earl of *Arundel*, High  
‘ Steward of the House, and  
‘ six other Noblemen, Knights  
‘ of the Garter, and as many  
‘ Bishops to bring him to the  
‘ Palace, where the Houses  
‘ convened. The Legat was  
‘ Apparelled with the Orna-  
‘ ments accustomed, and had  
‘ all the Ensigns of his Legat-  
‘ ship, and was received with  
‘ much Honor by their Maje-  
‘ sties.

‘ The Lord Chancellor de-  
‘ clared what was done the day  
‘ before, and asked all present  
‘ whether they would confirm  
‘ them,



# assurance of Abby-Lands. 139

them, and (f) in their Names that pardon should be asked, and whether they would return to the unity of the Church, and the Obedience of the Pope, Supream head of it. To this every one with a great noise assented.

(f) *Us ipsorum nomine venia peteretur & ad Ecclesiam unitatem ac Pont. Rom. summi ejus capiti obedientiam rediretur. Id*

*canis, magno clamore, assentientibus.*

‘Then the Lord Chancellor delivered their Majesties the Petition of the Houses, in which they all declared their Penitence for their by-past Schism, and for all things which they had admitted against the Apostolic See and the Church of Rome, and they professed as much as in them lay, in that very Parliament to disannul all those Laws which were made against the Authority of the Apostolic See and Church of Rome,

The Petition of the Houses for Absolution.

(g) *Roges* ‘ Rome, and prayd their (g)  
*iplos ora-* ‘ Majesties, whom God had  
*bant, ut-* ‘ kept pure and whole from  
*pore quos* ‘ that stain, to intreat Pardon  
*Deus ab* ‘ for them from the Pope by  
*hac labe* ‘ his Legat, and that he would  
*quos atque* ‘ receive them as Children in-  
*integros* ‘ to the bosom of the Church,  
*conseruas-* ‘ repenting them truly and  
*set, veniam* ‘ from their Souls of all things  
*sibi à* ‘ wherein they had sinned a-  
*Pont.* ‘ gainst it, and that he would  
*Max. per* ‘ conjoyn them again as Bro-  
*ejus Lega-* ‘ therly and living Members,  
*tum impe-* ‘ to that Body from which  
*trarent, ut* ‘ they were torn.  
*in gremi-*  
*um ma ris*  
*Ecclesie,*  
*tanquam*  
*Filii reci-*  
*perentur,*  
*quos eorum*  
*omnium,*

*quæ in illam antea deliquissent vere atque ex animo pæni-*  
*teret; utque ejusdem corpori, à quo diuulsi fuerant, velut*  
*Germana & viva membra rursus agglutinarentur.*

The ‘ When their Majesties had  
Queen ‘ Read this Petition, they gave  
desires ‘ it again to the Lord Chancel-  
the Car- ‘ lor, who Read it aloud, that  
dinal to ‘ all might hear it, and their  
grant it. ‘ Majesties arising moved to-  
‘ wards the Legat, who readi-  
‘ ly

# assurance of Abby-Lands. 141

ly met them, and the Queen  
both in her own and the Kings  
Name, desired that accord-  
ing to the Petition he would  
grant Pardon to the whole  
Kingdom, and would gather  
it again to the Unity of the  
Church.

Then the Legat, after all  
were seated, caused to be  
(b) Read the Bulls and Breves  
and Powers which appertain-  
ed to his Legatship, which be-  
ing done he made a Speech,  
and told them how they ought  
to return Eternal praise to  
the Everlasting God, who  
had given them such eminent  
helps to amend their Errors  
and plainly had declared that  
he had a special care of that  
Kingdom, even as in old  
times of the Church, he had  
bestowed such favors on the  
English, that they, the first  
of all others, having left the  
Errors of the Gentiles, had  
with

The  
Cardi-  
nals  
Powers  
Read.  
(i) *Recita-  
ri iussit  
que ad  
Legatio-  
nem &  
facultates  
pertinebant.*  
*Nullam*  
*vocant &  
Brevis.*  
The  
Cardi-  
nals  
Speech.

'with public consent embraced  
 'the Worship of the True God,  
 'so now he had afforded that  
 'Grace to them, when they  
 'had disjoyned themselves  
 'from the Church, that they  
 'the first of all others, should  
 'acknowledge how greatly  
 'they had offended, and if  
 '(1) they truly, and from their  
 'Souls were Penitent, how  
 'much joy was it to be thought  
 'the Angels would have, at  
 'the Conversion of such a  
 'People, and so great a King-  
 'dom, when as the Penitent  
 'Soul of one Sinner, did  
 'wont to bring such ineredi-  
 'ble joy to them?

(i) Quod si  
 eos vere,  
 atque ex  
 animo  
 peniteret,  
 quantum  
 gaudii  
 putandum  
 esse capere  
 Angelos  
 ex  
 tanti po-  
 puli tam-  
 que Am-  
 pli Regni

conversione, quibus vel unius peccatoris penitens animus in-  
 credibilem afferre letitiam soleret? Hac, atque alia per-  
 multa cum Legatus diceret, visi sunt omnes vehementer com-  
 moveri.

'While the Legat spake  
 'these, and many more things  
 'to them, they all seemed to  
 'be

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'be much moved, saith my  
'Author.

'Then the Legat (k) arose (k) Tum  
'and when all had kneeled on surrexit  
'their Knees ; in English he ipse, &  
'absolved them all, and had cum omnes  
'scarce Pronounced the last in genua  
'words in the Name of the procubuisse  
'Father, Son and Holy Ghost, sent; uni-  
'before all, with one Voice, versos,  
'said Amen, Amen, and while Anglice  
'Absolution was giving, the loquens,  
'Queen, and several others Absolvit:  
'out of their great Piety ac dum  
'for joy, and the Absolution ille Absa-  
'being passed, they embraced lutionem  
'one another, and mutually tribueret,  
'rejoyced, often expressing Regina &  
'themselves, that that day plerique  
'they were born again. alii, pra  
gaudio  
summoque  
piciatis  
studio ob-  
ortu sunt  
Lachryma;  
omnesque.  
absolutione

peracta, amanter inter se Amplecabantur; atque haec verba  
sepius usurpantes, hodie renati sumus, mutuo gratulaban-  
tur.

'Thence they went to the  
'Chappel Royal, and Te Deum  
'was Sung.

Thus

Thus I have given you faithfully what my Author (present no doubt at the Action) hath given an account of.

You may in Mr. Fox see the Letter writ by King *Philip* to the Pope, giving him an account of that Days performance, Dated on St. *Andrews* Even, *November* 30. 1554. and another from the Cardinal Dated *ult. November*.

I shall now acquaint you with what I find in the Journal of the House of Commons relating to this business, whereby the truth of *Duditis* his Relation will the better appear.

An account of these matters out of the Journal of the House of Commons.

*November* 19th. The Master of the Rolls and Mr. Solicitor brought from the Lords the Bill to Repeal the Attainder of Cardinal *Pool*, made 31 *H. 8.* and it was Read the second time that day.

*November* 20th. The Bill  
'to

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‘to Repeal the Attainder of  
‘Cardinal *Pool*, was Read the  
‘third time, and Assented to.

‘*November 21* the same Bill  
‘was sent to the Lords, and  
‘Mr. Treasurer declared that  
‘the King and Queen would be  
‘to Morrow Afternoon in the  
‘Parliament House, to give  
‘their Assent to the said Bill.

‘*November 22.* About three  
‘a Clock Afternoon in the Par-  
‘liament Chamber the Royal  
‘consent was given to the Bill  
‘for Cardinal *Pool*, and so  
‘made a perfect Bill.

‘*November 27.* Mr. Secre-  
‘tary *Peter* declared the King  
‘and Queens pleasures to be,  
‘that the House be to Morrow  
‘at the Court, to hear a Decla-  
‘ration by the Lord Cardinal  
‘of his Legacy.

‘*November 28* Mr. Speaker  
‘Declared the Legacy of the  
‘Cardinal, was to move us to  
‘come again to the Unity of

L

‘the

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‘the Church from which we  
‘were fallen.

‘The Master of the Rolles  
‘and Mr. Sollicitor declared  
‘from the Lords, that they had  
‘appointed the Lord Chancel-  
‘lor, four Earls, four Bishops,  
‘and four Barons to confer  
‘with a number of this House,  
‘who Immediately were sent  
‘unto them.

‘The Lords aforesaid, toge-  
‘ther with the Commons of  
‘the House appointed, devised  
‘a Supplication to the King  
‘and Queens Majesties, which  
‘was here Ingrossed and agreed  
‘by the Houle to be presented  
‘to the King and Queen, where-  
‘by the Realm, and Domini-  
‘on might be again united to  
‘the Church of *Rome*, by the  
‘means of the Lord Cardinal  
‘*Pool*.

‘*Ultimo Novemb.* This  
‘Afternoon, before the King  
‘and Queens Majesty at the  
‘Palace



‘Palace, the Lords and Com-  
 ‘mons being present, the Sup-  
 ‘plication was Read in Latin,  
 ‘and exhibited by their Ma-  
 ‘jesties to the Lord Legat,  
 ‘who making an Oration of  
 ‘the great Joy for the return  
 ‘of lost Sheep, did, by the  
 ‘Popes Holiness’s Authority  
 ‘give Absolution to the whole  
 ‘Realm, and the Dominions  
 ‘of the same.

‘*December 4th.* Mr. Attur-  
 ‘ney and Mr. Sollicitor;  
 ‘brought a Bill (*viz.* A List  
 ‘of Names) of divers of the  
 ‘Upper House, requiring a  
 ‘number of this House to con-  
 ‘fer with them, &c. Which  
 ‘Immediately were named,  
 ‘*viz.* the whole Council of  
 ‘the House (that is, all the  
 ‘Members of that House who  
 ‘were of the King and Queens  
 ‘Privy Council) and Twenty  
 ‘one Knights and Burgeses  
 ‘sent up to the Lords.

L 2

‘On

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‘On *St. Stephen’s* Day, Mr.  
‘Serjant *Dyer*, and Mr. Solli-  
‘citor brought from the Lords  
‘the Bill to Repeal certain Acts  
‘touching the Supremacy,  
‘which was Read next Day,  
‘and the second time Read,  
‘*29th. December.*

‘Upon the last of *December*,  
‘there were Arguments touch-  
‘ing the Bill of the Supremacy;  
‘and upon the *2d. of January*,  
‘Arguments upon the same  
‘Bill.

‘The same Day is thus en-  
‘tered the great Bill touching  
‘the Repeal of Acts against  
‘the See of *Rome*, and Assu-  
‘rance of Abby-lands and  
‘Chantry Lands Read the *3d.*  
‘time, and Assented to.

By this Journal it appears,  
that the Reconciliation was  
first performed, before the  
Bill for the securing of Abby-  
lands was perfected in the  
Houses: So that all the Mem-  
bers

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bers of both Houses being absolved, in the Name of the whole Realm, there could be no Objection against their unqualifiedness by any Church Censures, to pass that Bill, which is of no small moment to be considered.

Whence you may Judge concerning what Mr. (1) Fox (1) Marty. part 3. fol. 113. Writes, That about the time of the Absolution, a Messenger was sent from the Parliament to the Pope, to desire him to Establish the Sale of Abby and Chantry Lands; for the Lords and the Parliament would grant nothing on the Popes behalf, before their Purchases were well secured.

As to a Messengers sending, no doubt several dispatches, were made to and from Rome during this Transaction, but I cannot conceive that in so short a time a Currier could go and come from Rome, and bring

L 3

new

new Powers to the Cardinal, yet I will not insist upon that.

But I believe he Writes truly, that what preparation soever was made, by Debates, Conferences, &c. concerning the Repeal of other Laws against the See of *Rome*, they never passed into Bills, till the Bill for securing Religious Lands was perfected.

Hence we may conclude the Reason why the Solemn Procession, related in Mr. Fox was not till the 25<sup>th</sup>. of *January*, after this Parliament was Dissolved, which was on the 16<sup>th</sup>. of the same Month,

(m) Hist.  
Reforma-  
tion, part  
2. fol. 300.

which Procession, (w) Dr. Burnet saith, 'was to thank  
' God for the Reconciling them  
' again to the Church: And to  
' keep up a constant remem-  
' brance of it, it was ordered  
' that St. *Andrews* Day should  
' be still observed as the Anni-  
' versary of it, and be called  
' the

' the Feast of the Reconciliation,  
' and Processions, with all the  
' highest Solemnities they at  
' any time use, were to be on  
' that day.

*Duditus* tells us, That there  
' was every where great (n) re-  
' joycing for the return again of  
' *England* to the ancient Faith,  
' and great expressions of the  
' joy: In all places Prayers be-  
' ing decreed, and due Thanks  
' returned to God. Besides  
' which, Pope *Julius III.* pub-  
' lished a most ample *Jubilee* up-  
' on that occasion. And there  
was good reason for it in all  
the Territories of the *Roman*  
*Catholic Communion* that had a-  
ny regard for *England*, since it  
was the greatest revolution of  
that Age; and no less to be  
wondred at, than that *K. Henry*  
*VIII.* could suppress so many  
Abbies in such a way as he did.

(n) *Vita*  
*Cardinalis*  
*Pol. p. 30.*  
*De Anglia*  
*ad Pristi-*  
*nam Fidem*  
*reditu mag-*  
*na ubiq;*  
*gratulatio*  
*facta est,*  
*magnaq;*  
*laetitia sig-*  
*nificatio.*  
*Omnibus*  
*locis sup-*  
*plicationes*  
*decretæ, ac*  
*merita Deo*  
*gratie asse-*  
*sunt: Pre-*  
*terea Julius*  
*III. Pont.*  
*Max. am-*  
*plissimum*  
*Jubilæum*  
*promuiga-*  
*vit.*

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Having given you this prospect of the conduct of this great affair, I come now to the Act it self, which in *Pulton* is entituled, *All Statutes against the See of Rome repealed.*

The Act wherein  
Abby-Lands  
are confirm'd to  
the Possessors.

1 & 2 Ph.  
& Mar. 6.  
8.

The first  
supplication  
for reconciliation.

Repeal  
of several  
Statutes, according  
to promise.

The Act first recites, 'That much false Doctrine had been preached and written since the 20th. of King *Henry VIII.* How Cardinal *Pool* was sent from *Rome*, Legat *de Latere*, to call the Realm into the right way from whence it had strayed.

'Then relates at length the supplication of the Parliament to the King and Queen, to be a mean to reduce them into the Catholic Church, by their intercession with the Legation Cardinal; for which I refer you to the Statute. Then immediately follows a Repeal of all Statutes made against the Supremacy, and See Apostolic, since the time of the Schism; in accomplishment  
' of

' of their promise made in their  
 ' supplication. Upon which, at  
 ' the intercession of their Maje-  
 ' sties, by the Authority of their  
 ' holy Father Pope *Julius* III.  
 ' and of the Apostolic See, they  
 ' were assoyled, discharged and How  
 ' delivered from Excommuni- they  
 ' cations. -Interdictions, and o- were ab-  
 ' ther Censures Ecclesiastical, solved.  
 ' which had hanged over their  
 ' heads for their said defaults,  
 ' since the time of the said  
 ' Schism, mentioned in their  
 ' supplication.

' Then follows another sup- Second  
 ' plication to their Majesties, suppli-  
 ' That all occasion of contenti- cation  
 ' on, hatred, grudge, suspicion, for ta-  
 ' and trouble, both outwardly king a-  
 ' and inwardly, in mens con- way all  
 ' sciences, which might arise a- occasion  
 ' mong them by reason of Dis- of con-  
 ' obedience, might by Authori- tention.  
 ' ty of the Pope's Holiness, and  
 ' by ministration of the same  
 ' unto them by Cardinal *Pool*,  
 ' by

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‘ by Dispensation, Toleration,  
 ‘ or Permission respectively, as  
 ‘ the case shall require, be abo-  
 ‘ lished, and taken away.

Concer-  
 ning Ab-  
 by-  
 Lands,  
 &c.

After some other things,  
 follows in these words: Fi-  
 ‘ nally, when certain Acts and  
 ‘ Statutes have been made in  
 ‘ the time of the late Schism,  
 ‘ concerning the Lands and He-  
 ‘ reditaments of Archbishop-  
 ‘ rics and Bishoprics, the sup-  
 ‘ pression and dissolution of  
 ‘ Monasteries, Abbies, Priories,  
 ‘ Chantries, Colleges, and all  
 ‘ other the Goods and Chattels  
 ‘ of Religious Houses, since the  
 ‘ which time the Right and Do-  
 ‘ minion of certain Lands and  
 ‘ Hereditaments, goods & Chat-  
 ‘ tels belonging to the same, be  
 ‘ dispersed abroad, and come to  
 ‘ the hands and possessions of  
 ‘ divers and sundry persons,  
 ‘ who by Gift, Purchase, Ex-  
 ‘ change, and other means (ac-  
 ‘ cording to the Laws and Sta-  
 ‘ tutes



'tutes of the Realm for the time  
 'being) have the same: For the  
 'avoiding of all scruples that  
 'might grow by any of the oc-  
 'casions aforesaid, or by any  
 'other ways or means whatso-  
 'ever, it may please your Ma-  
 'jesties to be Intercessors and  
 'Mediators to the said most Re-  
 'verend Father Cardinal *Pool*,  
 'that all such causes and quar-  
 'rels, as by pretence of the said  
 'Schism, or by any other occa-  
 'sion or means whatsoever,  
 'might be moved by the Pope's  
 'Holiness, or by any other Ju-  
 'risdiction Ecclesiastical, may  
 'be utterly removed and taken  
 'away; so as all persons, ha-  
 'ving sufficient Conveyance of  
 'the said Lands, and Heredita-  
 'ments, Goods, and Chattels,  
 'may without scruple of con-  
 'science enjoy them, without  
 'Impeachment or Trouble, by  
 'pretence of any General Coun-  
 'cil, Canons, or Ecclesiastical  
 'Laws,

The Pe-  
 tition of  
 the two  
 Houses  
 to the K.  
 & Q. to  
 be Inter-  
 cessors  
 to Card.  
*Pool* to  
 confirm  
 Abby-  
 Lands.

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‘ Laws, and clear from all dangers of the Censures of the Church.

Before I proceed further, I think fit to note, That by the consent of both Houses it seems clear, that they looked upon those Lands to be well secured, according to the Laws of the Land ; which appears, because

(p)Second  
Parlia-  
ment 10.  
*Maria.*  
Bill pre-  
pared  
before  
the Car-  
dinal's  
arrival.

I find in the Journal of the (p) Commons House, That upon the 25th. of April, 1555. a Bill was engrossed, ‘ that Bishops ‘ should not convent any person ‘ for Abby-Lands ; and the ‘ next day I find the Bill passed ‘ their House, that the Bishop ‘ of *Rome*, nor any other Spirit- ‘ ual Person, shall convent any ‘ person for Abby-Lands.

So that what is to be cleared, is, that for removing of scruples of conscience, and preventing the causes and quarrels moved by the Pope, See-Apostolic, or any other Ecclesiastical Juris-

Jurisdiction, there was effectual course taken.

Therefore, because that part in the Act is put in *Latin*, whereby every Reader of it doth not, or will not, observe the force of it, I shall render the most material passages of it into English.

First, the Bishops and Clergy in Convocation present their supplication to the King's and Queen's Majesties, shewing, 'That they (*viz.* the Clergy) 'were the Præfects of the 'Church, and the care of Souls 'was committed to them, and 'they were appointed Defenders ' & Curators of the goods, Jurisdictions, and Rights of the said 'Churches by the disposition of 'the Holy Canons: Therefore 'they ought with the remedies 'of Law to recover to the ancient Right of the Church, the 'Goods, Jurisdictions, & Rights 'of the Church, (*q*) spent, or lost ' in

The Clergy in Convocation petition that the Lands may be confirmed.

The Clergy petition, & shew their duty by the Canons, is to preserve the Goods of the Church.

(q) de perditis amissa.

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The reasons why they desire their confirmation; as preferring public Peace before private commodity.

‘in the late pernicious Schism.  
 ‘Nevertheless, having had  
 ‘among themselves mature  
 ‘counsel and deliberation, they  
 ‘do ingenuously confess them-  
 ‘selves best able to know how  
 ‘difficult, and as it were im-  
 ‘possible, the recovery of the  
 ‘Goods of the Ecclesiastics  
 ‘would be, by reason of the  
 ‘manifest, and almost inextric-  
 ‘able Contracts and Dispositi-  
 ‘ons had upon them; and if  
 ‘those things should be questi-  
 ‘oned, the quiet and tranqui-  
 ‘lity of the Kingdom would be  
 ‘greatly disturbed; and the  
 ‘unity of the Catholic Church,  
 ‘which by the Piety and Au-  
 ‘thority of their Majesties was  
 ‘introduced into the Kingdom  
 ‘with greatest difficulty, could  
 ‘obtain no due progress, or fi-  
 ‘nishing.

‘Therefore, preferring the  
 ‘public quiet before private  
 ‘commodities, and the health  
 ‘of

# Assurance of Abby-lands. 159

' of so many Souls, redeemed  
 ' with the precious Blood of  
 ' Christ, before earthly Goods,  
 ' not seeking their own Profit,  
 ' but the things of Jesus Christ:  
 ' They earnestly request, and  
 ' most humbly supplicate their  
 ' Majesties, in their names to  
 ' communicate these things to  
 ' the Legat, and vouchsafe to in-  
 ' tercede, That concerning these  
 ' Ecclesiastical Goods (in part, or  
 ' in whole, according to his plea-  
 ' sure, and the Faculty and Pow-  
 ' er given him by the most holy  
 ' Lord the Pope) he would en-  
 ' large, or set at liberty, and re-  
 ' lax the detainers of those  
 ' goods, preferring public good  
 ' before private; Peace and  
 ' Tranquility before Dissoluti-  
 ' on and Perturbation; and the  
 ' health of Souls before earthly  
 ' Goods: They giving their as-  
 ' sents to whatever he should  
 ' do, and that in the premises  
 ' he would not be strict or diffi-  
 ' cult.

Here note,  
 by Goods  
 [Bona] in  
 the Ca-  
 non-law,  
 all Lands,  
 as well as  
 Chattels,  
 are com-  
 prehens-  
 ed.

Then

## 160 Assurance of Abby-Lands.

The Dispensation of the Cardinal. Then follows the Cardinal's Dispensation, wherein, after the recital of the several breaches of the supplication of the Parliament, and the uncanonical things that had been done, it is added, 'That as to Ecclesi-

The reasons laid down why the Cardinal dispenseth, &c. 'astical Goods, they were seized and possessed by divers persons of the Kingdom, 'which, tho' by the Constitutions of the Canons they might be declared void, yet if 'they should be revoked into 'any other State than in which 'they then were, the public 'Peace and Quiet of the whole 'Kingdom would be disturbed, 'and the greatest Confusion 'would follow; especially if 'the possessors of the same 'Goods should be molested: 'Therefore the Parliament 'have humbly supplicated their 'Majesties, that they would 'vouchsafe to intercede with 'the Cardinal.

' And

## Assurance of Abby-Lands. 161

' And whereas the Bishop  
 ' & the Clergy of the Province  
 ' of *Canterbury*, representing al-  
 ' most the whole body of the  
 ' Ecclesiastics of the Kingdom,  
 ' to whom the cause of those  
 ' Ecclesiastic Goods do mostly  
 ' appertain, have declared, That  
 ' these Goods cannot be recalled  
 ' to the Right of the Church,  
 ' but the universal Peace and  
 ' Quiet of the Kingdom will be  
 ' disturbed, and the cause of the  
 ' Faith, and the Unity of the  
 ' Church, now by the consent  
 ' of all introduced into the  
 ' Kingdom, shall be brought in-  
 ' to extreme danger ; and have  
 ' supplicated, &c. as before is re-  
 heard.

' Therefore We, who are sent The  
 ' Legat *de latere* to your Maje- Cardi-  
 ' sties and this most Noble nal's  
 ' Kingdom, from our most holy Autho-  
 ' Lord Pope *Julius* III. his and rity.  
 ' the Apostolic See, That we  
 ' might reconcile the Kingdom  
 M ' which

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‘ (which hath so long been se-  
 ‘ parated from the Unity of the  
 ‘ Catholic Church) to God, &  
 ‘ the Church of Christ, and his  
 ‘ Vicar upon Earth, and should  
 ‘ with all study procure all  
 ‘ those things which appertain  
 ‘ to the Peace and Tranquillity  
 ‘ of the Kingdom.

‘ After by the benignity of  
 ‘ God, and the Piety of your  
 ‘ Majesties, by the Authority of  
 ‘ the said our most holy Lord  
 ‘ the Pope, whose Person We  
 ‘ here represent, the Reconcili-  
 ‘ ation is made.

‘ That we may take care for  
 ‘ the Peace and Tranquillity of  
 ‘ the said Kingdom, and the  
 ‘ Unity of the Church, from  
 ‘ whence the Salvation of so  
 ‘ many Souls redeemed by the  
 ‘ precious Blood of Christ de-  
 ‘ pends, now introduced into  
 ‘ this Kingdom, may be streng-  
 ‘ thened, and remain safe.

And



# assurance of Abby-Lands. 163

'And whereas the stability  
 'of either of them, consists  
 'mostly in that no molestation  
 'be brought upon the Posses-  
 'sors of Ecclesiastical Goods,  
 'whereby they may not retain  
 'them which so many and such  
 'grave Testimonies cause us to  
 'believe; and the Intercession  
 'of your Majesties (who have  
 'so studiously and holily labor-  
 'ed for restoring the Unity of  
 'the Church, and the Autho-  
 'rity of the Apostolic See) may  
 'have that Authority with us  
 'that is fit, and that the whole  
 'Kingdom may know, and in  
 'truth and reality experience,  
 'the Motherly Indulgence of  
 'the Apostolic See towards it:  
 'Absolving, and judging to be  
 'absolved, every one to whom  
 'these Writings may appertain,  
 'from all Excommunications,  
 'Suspensions, Interdicts, and  
 'other Ecclesiastic Sentences,  
 'Censures, and Punishments,

The sta-  
 bility of  
 the Re-  
 concili-  
 ation &  
 the  
 Peace  
 consists  
 in the  
 assu-  
 rance of  
 Abby-  
 Lands.

# 164 Assurance of Abby-Lands.

‘by Law, or by Man, upon  
 ‘any occasion, or cause what-  
 ‘soever Pronounced, (if for  
 ‘the causes aforesaid only they  
 ‘be inflicted.) And so the Car-  
 dinal passeth to the particulars  
 in the Supplication: And last-  
 ly as to the Ecclesiastic Goods,  
 adds these words.

The words of the Dispensation and confirmation of Abby-lands, notwithstanding Canons and constitutions. &c. to the contrary.

‘And to whatever person  
 ‘of this Kingdom, to whose  
 ‘hands Ecclesiastic Goods,  
 ‘by whatever contract, either  
 ‘Lucrative, or Onerose they  
 ‘have come, or they have  
 ‘held, or do hold them, and  
 ‘all the Fruits, tho’ unduly  
 ‘received, of them, in the  
 ‘whole he doth remit and re-  
 ‘lease; Willing and decern-  
 ‘ning that the Possessors afore-  
 ‘said of the said Ecclesiastic  
 ‘Goods, Moveable, and Im-  
 ‘moveable, may not at pre-  
 ‘sent, or for the future, by the  
 ‘Dispositions of General or  
 ‘Provincial Councils, or the  
 ‘Decretal

Assurance of Abby-Lands. 165

‘Decretal Epistles of Roman  
‘Bishops, or any other Eccle-  
‘siastic Censure be molested,  
‘disquieted, or disturbed in  
‘the said Goods, or the Pos-  
‘session of them, nor that any  
‘Ecclesiastic Censures, or  
‘Punishment, be Imposed or  
‘Inflicted, for the detention,  
‘and Non-Restitution of the  
‘same; and so by all kind of  
‘Judges and Auditors, it ought  
‘to be adjudged and defined,  
‘taking from them all kind of  
‘Faculty, and Authority of  
‘Judging otherwise, and de-  
‘cerning it to be Null and  
‘void, if any thing happen to  
‘be attempted to the contra-  
‘ry.

‘Notwithstanding the fore-  
‘said defects or whatever A-  
‘postolic Special or General  
‘Constitutions and Ordinances  
‘Published in Provincial, and  
‘Synodal Councils, to the  
‘contrary.

M 3

Then

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An Admonition to those that do hold the Goods of the Church, and an exhortation to allow maintenance to Parish Parsons and Vicars.

Then follows the Admonition, that tho' all the Moveable things of the Churches were indistinctly released to those that possess them, yet he would Admonish them, that having before their Eyes the severity of the Divine Judgment against *Balthazar* King of *Babylon*, who converted to prophane uses the Holy Vessels, not by him, but by his Father taken from the Temple; if they be extant they will restore them to their proper Churches or to others. The meaning of which I have before explained. Then follows.

Exhorting also and by the Bowels of the Mercy of Jesus Christ vehemently intreating all those, to whom this matter appertains, that not being altogether unmindful of their Salvation, at least they will do this; that out of the Ecclesiastical Goods principally of those

assurance of abby-Lands. 167

those which were specially destined for the support of Parsonages and Vicarages, that in Cathedrals and other Inferior Churches, now in being, it may be so provided for them  
' that have the care of Souls,  
' that their Pastors, Parsons,  
' and Vicars may Commodi-  
' ously, and Honestly, accord-  
' ing to their Quality and State  
' be maintained, whereby they  
' may Laudably exercise the  
' Cure of Souls, and support  
' the Incumbent Burthens,  
This is Dated at *Lambeth* 9th.  
of the Kalends of *January*, the  
5th. of Pope *Julius* the third.

Then follows in the same Act the Confirmation of all these in the most General, Comprehensive, and particular words, that the Wisdom of that Age could devise, to Comprehend all the Religious Houses, Colleges, Chantryes, Hospitals, Guilds, Fraternities,

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The  
Caution  
used in  
securing  
the  
Lands  
not  
to be  
doubted.

Obits , &c. so Alienated.

It is not to be doubted but our Ancestors who had so lately acquired those Abby-lands, and were in much more eminent danger of a Resumption, than we are in this Age, would be as cautious to have these Confirmed to them by all the Laws, Ecclesiastical, and Civil, as could be contrived for their firm security : And that the Legats Absolution and Remission were sufficient according to the Canon Law, will not be denied by any who hold the Authority of the Pope in such matters ; since the Pope Conferred upon the Cardinal his own Power to do in that affair as much as if he had been Personally present he could have done ; since in one place it is expressed, that the Legat acted *by the* (f) *Authority of the most Holy Lord the Pope whose Person, Charact-*  
er

(f) *Per  
Autorita-  
tem Sacra-  
tissimi Do-  
mini nostri  
Papæ cujus  
vices su-  
stinemus.*

er or Power he hath, for the word *Vices* Implies; that he was his Compleat Substitute to do as much as he could do, and in another place of the same Absolution he expresseth his Powers thus, by (1) *Apostolic Authority*, by the *Letters of our most Holy Lord the Pope Julius the third*, granted to us and with which Authority we are impowered in this particular.

(1) *Autho-  
ritate A-  
postolica  
per literas  
&c. nobis  
concessas &  
qua jungi-  
mur in  
hac parte.*

Whoever considers this Act, and attentively will peruse it, as it is Printed in our Statutes, or is upon Record in the Roll, must conclude it had all the Authority that either an Act of Parliament in *England*, or a Constitution of the Pope by his Bull can give it, and I hope I have sufficiently cleared it, that by the Canon Law and continual Practice of the Pope, he hath a full Power to Establish and make valid what he did in this particular.

SECT.

## S E C T. IX.

*The Exceptions against this Assurance of Abby-lands to the Possessors, that it was not confirmed by Pope Paul the 4th. fully Answered.*

*Pietro Soave's Assertion that Pope Paul the 4th. did not confirm Abby-lands.*

(a) Fol. 367.

YOU are pleased to endeavor to Invalidate the force of this Spiritual and Temporal Act, by producing the Opinion and assertions of Father *Pietro Soave Polano*, in his Council of *Trent*, and one or two Gentlemens, whose Sentiments you so zealously have embraced.

The words of *Soave* (a) are thus rendred into English by Sir *Nathaniel Brent*. 'John Peter Caraffa, by the Name of Paulus 4us. being Created Pope 1555. On the first Day of



of his Papacy the English  
 Ambassadors from King *Philip*  
 and Queen *Mary*, entred  
*Rome, viz.* The (b) Viscount  
*Montacute*, the Bishop of  
*Ely*, and Sir *Edward Carn*, there  
 being one to Represent every  
 State of the Kingdom, sent to  
 make their Obedience to the  
 Pope, and to obtain a Con-  
 firmation of all those Graces  
 Cardinal *Pool* had granted in  
 the Popes Name, saith Dr.  
*Burnet*.

(b) Hist.  
 Reformation, part  
 2. fol. 300.

At the first Consistory af-  
 ter the (c) Coronations, the  
 Ambassadors were brought to  
 it, who prostrating themselves  
 at the Popes Feet did in the  
 Name of the Kingdom ac-  
 knowledg the faults commit-  
 ted; relating them all in par-  
 ticular, for so the Pope would  
 have it, Confessing they had  
 been ungrateful for the many  
 benefits received from the  
 Church, and humbly craving  
 Pardon

(c) *Idem*  
 Soave.  
 The  
 Popes  
 Recep-  
 tion of  
 the Am-  
 bassa-  
 dors  
 from  
 Queen  
*Mary*.

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' Pardon for it. The Pope  
' did Pardon them, took them  
' up from the ground, and Em-  
' braced them, and to Honor  
' their Majesties that sent them,  
' gave the Title of a Kingdom to  
' Ireland.

His re-  
prehen-  
sion of  
the pro-  
ceedings  
in Eng-  
land.

' In private Discourse, saith  
' our Author, betwixt the  
' Pope and the Ambassadors, he  
' found fault that the Church  
' Goods were not wholly re-  
' stored, saying, that by no  
' means it was to be Tolerat-  
' ed, and that it was necessary  
' to render all even to a Far-  
' thing, because that the things  
' that belong to God can never  
' be applyed to Human uses; and  
' he that withholdeth the least  
' part of them is in continual  
' State of Damnation. That  
' if he had Power to grant them,  
' he would do it most readily,  
' for his Fatherly Affection  
' which he beareth them, and  
' for his experience of their  
' Filial

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'Filial Obedience, (d) but his  
 'Authority was not so large,  
 'as he might prophane the  
 'things Dedicated to God, and  
 'let *England* be assured, that  
 'this would be an Anathema  
 'and a Contagion, which by  
 'the just Revenge of God,  
 'would always hold the King-  
 'dom of *England* in perpetual  
 'Infelicity; and he charged the  
 'Ambassadors to Write there-  
 'of Immediately, and was not  
 'content to speak of it once,  
 'but repeated it as often as  
 'there was occasion, and said  
 'also plainly, that *Peter Pence*  
 'ought to be payd as soon as  
 'might be. Thus far *Soave*.

(d) Mr.  
*Fox* saith,  
 the Pope  
 published  
 a Bull in  
 Print a-  
 gainst the  
 restoring  
 Abby-  
 lands  
 which Dr.  
*Burnet* af-  
 firms also  
*Appendix*  
 fol. 403.

In Answer to this, Cardinal  
 (e) *Palavicino*, after his Dis-  
 course of the business of the  
 Kingdom of *Ireland*, as to the  
 Restitution of the Ecclesiastic  
 Goods in *England*, saith,  
 'because in that Kingdom dur-  
 'ing the time of the Schism  
 'most

(e) *Lib. 13.*  
*c. 13.*  
 Cardi-  
 nai *Pal-*  
*vicino's*  
 Asserti-  
 on about  
 the con-  
 firming  
 Religi-  
 ous  
 Lands.

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'most grievous Usurpation of  
 'Church-lands had been made,  
 'as he had before related, some  
 'by private persons, others by  
 'the Crown. Those were with  
 'great Liberality restored by  
 'the Queen. But concerning  
 'the others *i. e.* those in the  
 'Subjects Possessions, it was  
 'Judged profitable to use con-  
 'descension; lest with a pay of  
 'so great Interest, they should  
 'Enroll the Usurpers under  
 'the Standard of Heresie not  
 'sufficiently destroyed. The  
 plain sense of which, is that  
 they were to be Indulged in  
 their Possessions, how unjust  
 soever they were; lest the de-  
 nyng of it should enforce  
 them, for the sake of preserv-  
 ing their Estates, to reject  
 'the Reconciliation, which was  
 the prime thing desired.

It is true this Pope *Paul* the  
 4<sup>th</sup>. is (f) represented by  
 Historians to be a Morose Man,  
 of

(f) *Sicant*  
 continua-  
 tion 110.

of a *Saturnine* Temper, being the first Author and Contriver of the Inquisition, and that by a new Decree he retrieved all those Goods and Ecclesiastical Revenues, which had been (g) Alienated from the Church since the time of *Julius* the 2d. to his Days, and that since the time that *Rome* had been sacked by the *Spaniards*, (who had Plundered and Sequestred the Estate and Rents of the Family of *Caraffa*, of which he was a Son) he had conceived an Implacable anger, and Inveterate hatred against the whole Nation; which also was encreased by that ill Treatment, and Injustice (h) which the Vice-King of *Naples* once used towards his own Person. For being Created by *Paul* the 3d. Arch-bishop of *Naples* he was debarred from the Possession and benefits thereof by the Vice-Roy, on no other pretence,

(g) Pa.  
112.  
Answer  
to *Soavis* arguments.

(h) Pa.  
113.

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pretence than that he was suspected to favor the *French* party; and upon that affront he would have persuaded *Paul III.* to a War with *Naples*; but the Pope declining that, the anger and fury of this *Paul IV.* being suppressed until he became Pope, did then burst forth and vent it self; so that he made a stricter Union with *France*, and commenced a War against *Philip* King of *Spain*.

- (i) p. 112. Yet it is likewise noted, (i) That notwithstanding the Pride and rudeness of his Nature, he did several things in the beginning of his Papacy to gratifie and please the people of *Rome*, inso-much that they erected a Statue of Marble for him in the Capitol: And I shall now endeavor to make it clear, that he did ratifie what Cardinal *Pool* had done; and that his Animosities against *Spain* or Cardinal
- (k) p. 118. *Pool* (whom he (k) recalled from his

his Legatship in *England*) were acts of a later date, and he had the good conduct and fortune to prove a successful Instrument in making that memorable Peace betwixt *Philip* King of *Spain* and *Henry* King of *France*; And it is apparent by Sir *Edward Carne's* (1) Letter, that the Pope did revoke the Cardinal only because of the War with *Spain*, as he did his Nuncio's from all King *Philip's* Countreys; but it said that of the Cardinal at Queen *Mary's* desire.

(1) *Hist. refor. collect. Rec. fol. 315.*  
See concerning Pope *Paul IV's* revocation of Cardinal *Pool.*  
*Dudinus p. 34, 35.*

Having related what *Soavo* hath published concerning this matter, before I proceed to the clear proof that Pope *Paul IV.* did ratifie what Cardinal *Pool* had done, I do offer to your consideration what I have under the hand of a Learned Father, of sufficient Learning and Knowledge in the Canon-Law, and of great Candor and Vir-

The Opinion of a Learned Roman Catholic, Father *W.*

N tue,

tue, That he believes that from the moment of the Release of Cardinal *Pool*, all Possessors of those Lands had a just Title, even by Canon-Law, to them, even as to their other Lands : And, as the Pope cannot deprive them of their other Lands by any Act whatsoever, no more can he deprive them of those Lands ; nor that any Canonist will own that any succeeding Pope can repeal the Release of Church Lands. Which must be most clear, whenas the Release was so confirmed, as I shall now endeavor to make clear by some positive proofs.

The first of which shall be what I have found in the Journal of the House of Commons, Endorsed *Seymour*, which you may have access to, for your further satisfaction, if you scruple my credit in that particular ; for I have copy'd it from  
the



the Original, in the custody of the Honorable Sir *John Trevor*, Master of the Rolls, whose singular favor I must ever acknowledge, not only in affording me the perusal of this Journal, and ready admittance to the Records in his custody, but likewise in furnishing me with a Repertory, whereby I am enabled readily to find such Records as I have had, or may have occasion to peruse for His Majesties Service.

This Journal reacheth from the 1<sup>st</sup>. of *Edward VI.* to the 8<sup>th</sup>. of *Queen Elizabeth*. In the first leaf of the Parliament 2 & 3 of King *Philip* and Queen *Mary*, which begun the 21<sup>st</sup>. of *October* 1555. After the relation of choosing the Speaker, &c. these following words are entred.

The first proof of the assurance of Abby-Lands from the Journal of the House of Commons.

*After which was read a Bull from the Pope's Holiness, confirming the doings of my Lord Cardi-*

*nal Pool touching the Assurance of Abby-Lands, &c. after which the Speaker with the Commons departed to the nether House.*

It is true there is nothing of this mentioned in the Journal of the Lords; but whoever looks into their Journals in the Reign of Queen *Mary*, and those before, and some while after, will find little in them besides the names of the Proxies for the absent Lords on one side, and then the Folio divided into three Columns; in the first of which are the Names of the Bishops present; in the second the recital of the appearing Peers; and in the third only the Titles of the Bills read: So that in several Folio's there is not one Line writ in the third Division.

Second  
Proof.

I now pass to the second proof, That Pope *Paul IV.* did by Bull confirm what Cardinal *Pool* had done. To illustrate which,

# Assurance of Abby-Lands. 181

which, I shall translate into English the Copy of it, to be found in (m) Sir William Dugdale's last Volume of his *Monasticon*, transcribed from the Original in my Lord Peter's custody.

The Title is, *The Bull of Paul IV. Bishop of Rome*; in which, for better caution, he especially and expressly approves and confirms to *William Peters*, Knight, and Counsellor of the King, all and singular the sales of several Mannors, &c. sometimes belonging to divers Monasteries by King *Henry VIII.* dissolved, which he (*viz. Sir William*) as it is said, is ready to assign and demise to Spiritual Uses.

' *Paul* Bishop, Servant of the  
' Servants of God, to the per-  
' petual memory of the Fact.  
' By the accustomed bounty of  
' the Apostolic See, it becomes  
' us freely to impart Apostolic  
' Favor

(m) Eccle-  
sia colledi-  
tis, fol.  
207.

The Bull  
of Con-  
firmati-  
on of  
Abby-  
Landsto  
Sir Will.  
Peters.

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*Libata.*

‘ Favor to those which require  
 ‘ Quiet and Tranquility, espe-  
 ‘ cially when it is humbly defi-  
 ‘ red from us, and reasonable  
 ‘ causes persuade it, and that  
 ‘ they may remain undisturbed,  
 ‘ to add the stability of Aposto-  
 ‘ lic Munition.

‘ A Petition being lately ex-  
 ‘ hibited to Us on the part of  
 ‘ Our beloved Son the Noble  
 ‘ Sir *William Peters*, Knight, and  
 ‘ Counsellor of the King, of the  
 ‘ Diocese of *Exeter*, That here-  
 ‘ tofore King *Henry VIII.* of fa-  
 ‘ mous Memory, and several  
 ‘ other persons, (there particu-  
 ‘ larly named) sold to the same  
 ‘ Sir *William Peters*, Mannors,  
 ‘ Lordships, Advowsons, Lands,  
 ‘ &c. belonging to Monasteries,  
 ‘ (particularly also named) as  
 ‘ appeared by Instruments and  
 ‘ public proofs.

*Documen-  
 ta publica.*

‘ And afterwards our belo-  
 ‘ ved Son *Reginald*, Deacon of  
 ‘ *St. Mary in Cosmedon*, called  
 Car-

# Assurance of Abby-Lands. 183

‘ Cardinal Pool, Legat de Latere  
 ‘ in England, of Us and the  
 ‘ afore said See being authorized  
 ‘ to that matter, with sufficient  
 ‘ power by the Letters of the  
 ‘ said See, as appears in his  
 ‘ Commission.

‘ And afterwards we gene-  
 ‘ rally, under certain words  
 ‘ expressed in mode and form,  
 ‘ have (n) approved and con- (n) By this  
 ‘ firmed the Sales, Gifts, and clause the  
 ‘ Exchanges, and Grants, made Bull men-  
 ‘ to and by him; and added to tioned in  
 ‘ them strength of assurance, or the Jour-  
 ‘ firmness, as in our Letters nal of the  
 ‘ made thereupon is said more House of  
 ‘ fully to be contained. Commons  
 must be  
 under-  
 stood.

‘ However, as the said Peti-  
 ‘ tion subjoynd expresseth, the  
 ‘ same Sir *William*, who, as he  
 ‘ affirms, is ready to assign and  
 ‘ demise the said Rectories to  
 ‘ Spiritual Uses, desires to have  
 ‘ all the Sales, Gifts, and Grants  
 ‘ made to him of those things,  
 ‘ and all the things in the said

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‘ Instruments and Documents  
 ‘ contained, for the better cau-  
 ‘ tion, specially and expressly to  
 ‘ be approved and confirmed :  
 ‘ And besides, hath humbly  
 ‘ supplicated to Us, That of A-  
 ‘ postolical Benignity we would  
 ‘ vouchsafe to provide for the  
 ‘ Indemnity and Quiet of him  
 ‘ and his.

The  
 Pope’s  
 Dispen-  
 sation  
 and Ab-  
 solution  
 from Ec-  
 clesiasti-  
 cal Cen-  
 sures.

‘ Therefore We, who admit  
 ‘ to the favor of our audience  
 ‘ the prayers of those devoted to  
 ‘ Us, and Our foresaid See, quit  
 ‘ the said *Will.* from all Excom-  
 ‘ munications, Suspensions, In-  
 ‘ terdicts, and other Ecclesia-  
 ‘ stic Sentences, Censures, and  
 ‘ Punishments, either by Law,  
 ‘ or from any man, upon any  
 ‘ occasion or cause produced,  
 ‘ (if he be by any of them any  
 ‘ ways tied in consequence of  
 ‘ any effect of these presents on-  
 ‘ ly) by the tenor of these pre-  
 ‘ sents absolving him, and judg-  
 ‘ ing him to be absolved. Being  
 inclined

assurance of Abby-Lands. 185

‘ inclined by those supplicati-  
‘ ons, by Apostolical Authori-  
‘ ty, by these presents do per-  
‘ petually approve and confirm  
‘ all the Sales, Grants and Gifts  
‘ aforesaid; likewise all the  
‘ Receipts and Procurements of  
‘ the Possessions, and the retain-  
‘ ing of them; and, as they con-  
‘ cern them, all & each singular  
‘ other matters, in all the In-  
‘ struments, Documents, and  
‘ other Writings, and things,  
‘ contained in the foresaid Let-  
‘ ters of the said *Reginald* the  
‘ Cardinal; and to them do add  
‘ the strength of a perpetual  
‘ and inviolable firmness, sup-  
‘ plying all and singular defects  
‘ of Law or Fact necessary to be  
‘ expressed, if by chance any  
‘ happen to intervene in them;  
‘ and decerning them inviolably  
‘ to be established, without any  
‘ scruple of conscience; as also  
‘ by the said *William Peters*, and  
‘ Bishops, Chapters, Abbots,  
‘ Priors,

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‘Priors, Prioresſes, and Con-  
 ‘vents, and others, which theſe  
 ‘any way concern, or may con-  
 ‘cern for the future, according  
 ‘to the tenor of the Sales,  
 ‘Grants, and other Diſpoſitions  
 ‘made upon them, in all things  
 ‘and by all means perpetually  
 ‘to be obſerved; and ſo to be  
 ‘judged, and ought to be defi-  
 ‘ned by all Judges, and Eccle-  
 ‘ſiaſtical and Secular Comiſſa-  
 ‘ries enjoying any Authority;  
 ‘taking from them and every  
 ‘of them every Faculty and  
 ‘Authority of Judging and In-  
 ‘terpreting otherways, and ma-  
 ‘king it void and null, if upon  
 ‘the premiſes, by any one by  
 ‘any Authority, knowingly or  
 ‘ignorantly, it happen to be  
 ‘attempted.

The  
 Pope’s  
 Com-  
 mand to  
 Biſhops  
 to de-  
 fend Sir  
 Will. Pe-  
 ters  
 Right.

‘Wherefore by Apoſtolic  
 ‘Writ We command Our Ve-  
 ‘nerable Brothers the Biſhops  
 ‘of London, Exeter, and Piſauria,  
 ‘that two or one of them, or  
 ‘by



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' by another or others; these  
 ' present Letters, and whatever  
 ' is contained in them, when  
 ' and where there is need, and  
 ' so often on the part of *William*  
 ' *am Peters* and the Heirs  
 ' aforesaid, or any of them, it  
 ' be required, solemnly to pub-  
 ' lish, and assisting them in the  
 ' premisses, with maintenance  
 ' of an effectual Defence, by  
 ' Our Authority they perform  
 ' it, to make them and every of  
 ' them enjoy them peaceably,  
 ' not permitting any of them  
 ' by the Bishops, Chapters, Ab-  
 ' bots, Priors, Prioreesses, or  
 ' Convents, or any other, con-  
 ' trary to the tenor of these pre-  
 ' sents, in any wise to be molest-  
 ' ed, vexed, or disturbed; in-  
 ' flicting upon all contradic-  
 ' tory and Rebels, by Ecclesiastical  
 ' Censures, and Money-mulct,  
 ' at their pleasure; punishments  
 ' to be applied, and by other  
 ' opportune remedies quieting  
 ' them;

No Reli-  
 gious to  
 molest  
 him.

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‘them ; postponing all Ap-  
 ‘peals, and by repeated instan-  
 ‘ces aggravating, and (if need  
 ‘be) calling in to this purpose  
 ‘the aid of the Secular  
 ‘Arm.

The  
 Clause  
 of *Non*  
*obstante.*

‘Notwithstanding any here-  
 ‘fore sent Apostolic Consti-  
 ‘tutions and Ordinances, of  
 ‘what Kind soever, or by what  
 ‘other firmness corroborated  
 ‘Statutes and Customs contra-  
 ‘ry thereto whatsoever ; or if  
 ‘it be indulged from the said  
 ‘See, to Bishops, Abbots, Pri-  
 ‘ors, Prioresse, or by any o-  
 ‘ther in common or separately,  
 ‘that they may not be Inter-  
 ‘dicted, Suspended, or Excom-  
 ‘municated by Apostolical  
 ‘Letters, not making full and  
 ‘express mention word by  
 ‘word of the said Indul-  
 ‘gence.

‘Therefore it shall not be  
 ‘lawful for any man whatsoe-  
 ‘ver to infringe or contradict  
 ‘by

‘by any rash attempt, this  
 ‘writing of ours, of Absolu-  
 ‘tion, Approbation, Adjection,  
 ‘Supplement, and Command.  
 ‘If any therefore presume to  
 ‘attempt this, let him know,  
 ‘that he shall incur the Indig-  
 ‘nation of the Omnipotent  
 ‘God, and of the Holy Apostles  
 ‘*Peter and Paul.*

‘Dated at *Rome*, at St.  
 ‘*Peters*, the Year of the Incar-  
 ‘nation of the Lord, 1555.  
 ‘the 4<sup>th</sup>. of the Kalends of  
 ‘*December*, the first Year of our  
 ‘*Pontificate*, 2 and 3 *Philip* and  
*Mary.* *Subsigned Beltradus.*

From this Bull we may learn Obser-  
 there was a General Confir- vations  
 mation by Pope *Paul* the 4<sup>th</sup>. from  
 of Cardinal *Pools* Assurance of this  
 Abby-lands, and it is as cer- Bull.  
 tain as any thing can be, to one,  
 that hath not seen that Bull,  
 which was sent to Absolve the  
 whole Kingdom; that it was  
 as full in the same or suchlike  
 expref-

\* I must own the favor of Dr. Bernard for the loan of this rare Book.

(i) In praefatione  
Libri de  
vitâ Cardinalis  
Poli Imp.  
Venetia  
1563.

expressions as are usual in Alienation of Church-lands, Dispen-  
sations, or Absolutions, as were requisite, or the desire of the Interested persons security could expect, since we find, by this to a particular person, what care was taken about securing them.

In further confirmation of this give me leave to acquaint you what \* *Andreas Duditus* Writes on this Subject, whose Testimony is the more Authentic, in that he not only Translated out of *Italian (i)* into Latin, the Life of Cardinal *Pool*, (Writ by *Becatellus* Arch-bishop of *Ragusa*) but added several things of his own knowledg, and by the Information of *John Baptista Binardus*, who were both with the Cardinal in *England*.

The 3d.  
proof.

His words, I render thus into English, He (*viz.* the Cardinal) *omitting nothing which*

which might conduce to the com-  
 pleat restoring of Piety, and the  
 repair of the Ruins of the Church,  
 made in late times: Dealt with  
 the Queen, (k) that she should  
 restore to the Church the Goods  
 which Henry her Father, by  
 force had taken from it, and had  
 Annexed to the Revenue of the  
 Crown, and had Enacted them to  
 be the Rights and Possessions of  
 the Crown. Concerning this he  
 sent an Exhortation to the  
 Queen, excellently penned: Nor  
 did the Queen suffer her self long  
 to be intreated, but lying aside  
 all delay, dismissed all, and per-  
 mitted them to be disposed of at  
 the Will of the Roman Bishop and  
 his Legat. Which Goods P.<sup>101</sup>  
 (having first deliberated the mat-  
 ter with the Bishops) so appointed  
 and distributed to every Church,  
 as might be most expedient to  
 encrease the Worship of God, and  
 Establish the Ecclesiastic State,  
 and these, were said to be almost  
 the

(k) illud  
 etiam agere  
 cum Re-  
 gina iussis  
 ut quas  
 Bona,  
 Henricus  
 Pater, Ec-  
 clesia per  
 vim ad-  
 emptas, ad  
 Regia  
 Vestigalia  
 adjunder-  
 at, ac Re-  
 gii omnino  
 furis pos-  
 sessionisque  
 esse Decre-  
 verat, ipsa  
 Ecclesia  
 redderes  
 pa. 32. B.  
 All our  
 Authors  
 say, that  
 the Queen  
 her self  
 first de-  
 signed  
 this Resti-  
 tution.

This was much less than our Author mentions. *the half of the Fruits, which in the former more flourishing times the Ecclesiastics had received.* Now mark what follows.

(1) *Ac ne qua Turba excitaretur, placuit, consentiente Pontifice, nihil de reliquis bonis quæri quæ passim multi possidebant, sed liberum omnibus relinquere, id agere quod quisque vellet.* But (1) least troubles might be raised, it pleased the Cardinal, the Pope consenting, that nothing of the rest of the Goods (viz. Moveable and Immoveable) should be enquired after. But to be left at Liberty to all to do with them what every one willed.  
Id. pa. 32. B.

The 4th. The whole matter further proof. appears in the Decrees of the Cardinal, for the Reformation of England Anno 1556. for in the 10th. Decree, wherein any future Alienation of Church-lands is prohibited, this exception is annexed in these words.

(m) Those

(m) Those things always except- (m) Ex-  
 ed, which concerning Ecclesiastic <sup>ceptis ta</sup>  
 Goods, before time taken from the <sup>men semp</sup>  
 Church, by Apostolic Authori- <sup>in, quas</sup>  
 ty now are constituted, from <sup>circa bona</sup>  
 which by this Decree they (viz. <sup>Ecclesi-</sup>  
 the Cardinal and the Clergy <sup>astica,</sup>  
 met to appoint these Decrees) <sup>ante ab</sup>  
 will no ways derogate. <sup>Ecclesi-</sup>  
 Jam Au-  
 toritate  
 Apolto-  
 lica con-

stituta sunt. Quibus per hoc nullo modo derogari Vo-  
 lumus. Labbei concilii Tom. 14. fol. 1753.

## S E C T. X.

The Application, of what hath  
 been offered towards the  
 Assurance of Abby lands to  
 the present Possessors.

I know nothing can rational- Objecti-  
 ly be urged now against on.  
 the security, but that either the  
 Pope hath no such Power of  
 dispensing with what is obtain-  
 ed by Intrusion, or that what

O

one

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one Pope doth, another Succeeding Pope may disannul, especially where so great concerns of the Church may invite to it.

Answer-  
ed.

As to the first, whatever Opinion hath been or is held by some, of the Popes want of Power to dispense, it is most evident, that *de facto* for many 100 of Years they do and have dispensed with Canons, &c, and such Dispensation is looked upon by all of the Roman Catholic Communion to secure, not only their Title in all Ecclesiastical Courts, but likewise it removes all scruples of Conscience.

I shall give you the resolution as to this particular, of an Author (a) beyond exception, The question he proposeth thus, *Quid si violentus petit à Papa sibi confirmari Beneficium per vim obtentum, & Papa hoc facit, & postea possidet per triennium,*

(a) Rebus-  
sus d. pa-  
cifico p. 2.  
sefforius  
col. 2 9.  
k. 256.



& ultra, an posset molestari?

After he hath argued in the negative, he thus determines it. *Quod si Papa ex certa scientiâ, de novo concederet Invasori, expressa habita mentione Intrusionis & violentiæ, videtur illam violentiam remittere, & de novo conferre, nec obstat quod violentus semper potest molestari. Verum est (says he) non purgatâ violentiâ: Sed hic purgavit violentiam Impetrando à Papa, ergo non amplius dicitur violentus, nec Intrusus, quod notandum.*

The summ of which is, that it being questioned whether a violent Possessor of Church-lands, desiring of the Pope to confirm him in his Benefices, obtained by force, and the Pope do it, and after the Intruder Possess it for three Years or more, whether such an one can be molested, viz. Ejected by course of Law?

A violent Intruder may be dispensed with by the Pope.

His answer is, that if the

O 2

Pope

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Pope on his certain knowledg grant the same anew to the Intruder, and violent Possessor, it seems the violence is remitted, and the thing is granted anew. Neither, saith he, doth the General Rule hold good in this case, that the violent Intruder may always be molested; For that is only true where the violence is not purged, but here the violence is purged by obtaining the Popes Grant; therefore he is no more to be called a violent Possessor or Intruder, which, saith he, is to be noted. By this you see a dispensing Power is owned.

Objection. I know this is spoken of Church Livings Possessed by Church Men, but here you will say are Church Lands Possessed by Lay men which extremely alters the case.

Answer. In Answer to which, all that I have in the last two Sections discoursed, proves it as applicable

cable to our case ; for if the Popes Authority be good in any case, where the necessity of the matter was so urgent in the Opinion of his Holiness and all Roman Catholics, that the Reconciliation to the Roman Catholic Church was to be preferred before the comparatively few Religious enjoying their Possessions, I suppose it is good here.

How much in all cases the public is to be preferred before the private, appears in the resolution given by a Learned

(b) Civilian thus, we are to know, saith he, that there is a Superior Law that the public Society of Men be conserved, and it is an Inferior Law, that right shall be done to every one: When this Inferior Law therefore cannot be preserved, without the violation of the Superior, the Inferior Law is neglected, that

(b) Joachemi  
Mynsingeri  
Comment.  
in Instit.  
lib. 2.  
tit. 16. de  
usurpationibus  
n. 20.

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the Superior may be fulfilled, viz. that the public good and tranquility be conserved, and there be an end of strife.

So in another case the fore-cited (c) *Rebuffus* saith, *this is Introduced for public good, lest suits about Benefices should be Immortal, and for the ease of the Subject, lest he should Eternally doubt of his right.*

*Alcuin's*  
Opinion  
rather  
to dis-  
pense  
with  
pay-  
ment of  
Tithes  
than  
hinder  
Pagans  
to turn  
Christi-  
ans.

This calls to mind what *Alcuin* the great English Dr. and Chaplain to *Charles* the Great, writes to him concerning the *Hunns* and *Saxons*, who being Conquered by the Emperor, had lately received the Christian Faith; *Alcuin* there adviseth the Emperor, that it were better for the benefit of the Christian Faith, not to impose the payment of Tithes upon them. He saith, we know that Tything of our Substance is very good, but it is better to let that go, than lose

lose our Faith, we our selves  
faith he, nourished and taught  
in the Catholic Faith, scarce  
consent to pay full Tythe of  
our Substance; how much less  
can we expect, that their ten-  
der Faith, and Infant condi-  
tion, and covetous minds, will  
consent to such a liberality.

Here you see he adviseth ra-  
ther to preserve them in the  
Catholic Faith, than have them  
abandon it by exacting such  
payments.

I leave it to your self to ap-  
ply it. I no ways meaning to  
compare Possessors of the  
Church-lands in Queen *Maries*  
Days, to a People newly Con-  
verted from Paganism; but on-  
ly to let you see in that Learn-  
ed Mans Opinion, how much  
the retaining them in the Ca-  
tholic Faith was to be prefer-  
red before the exacting of  
Tythes.

I come now to the last re-

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Last  
Objection.

maintaining Objection, that by the Revocation of former Popes Grants, and Decrees by Succeeding Popes, and by their non-obstantes of Canons, &c. You see not why a Pope may not publish a Bull, if any such Juncture of Affairs should be, that it was like to be obeyed, to recall the Acts of *Julius* the 3<sup>d</sup>. and *Paul* the 4<sup>th</sup>.

Answer-  
ed.

To this I Answer, that where ever Instances of such things can be produced; It is where some few only have been concerned, some Orders have degenerated from their first Institution: Where some public utility over-ballanced the private injury; where the Inconveniency of continuing former Grants was much greater than would happen by the rescinding of them; where the end and moving reason why a former grant was made either ceased, or was no more of use;  
or

or where without passion private ends intrigues or designs, the matter to be revoked was by all un-interested persons thought fit to be disannulled, but our case is far otherwise.

For as to the business of Ab- In the  
by-lands, whatever Reasons cases of  
induced the Pope to confirm our Ab-  
them in the hands of the Pos- by-lands  
sessors at the first, will be a Re-  
much more now, since be- sumpti-  
sides the disturbing the Peace on is not  
and Tranquility of the King- practi-  
dom, and the great confusion, cable.  
that would arise by reason of  
the Inextricable Contracts,  
and Dispositions, there will  
now be the greatest Injustice  
committed by such a Re-  
sumption; since it is appa-  
rent, that the number of the  
Purchasers were few Compa-  
ratively at the first, and they  
were only such as were for the  
Reformation, whereas since  
that

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that time many Catholicks (by the reliance upon the Legal securities, and the Confirmation of the Pope) have been induced to purchase these Lands, which otherwise they would never have done: And will it consist with any Pope's Interest to take advantage of such as were thereby ensnared?

Besides, who are they that can lay claim to these Lands? The Religious had no Heirs, and I have seen it under the hand of the Reverend Superior of all the English Benedictins, that the Superiors of the Benedictins offer to give it under their hands and seals, and serious protestation, that they have no Right, nor ever intend to lay any claim to the Possessions belonging to their Order here, and given by the Parliament to the Crown.

The Religious  
Non-claim, &  
their offer to  
release all right  
or claim.

That the Act of Confirmation of these Lands can never be attempted



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attempted to be revoked by any English Parliament, tho' their majority should be *Roman Catholics*, (which in it self is such a monstrous *postulatum*, as sure no *Protestant Unbeliever* can swallow) will appear manifestly to any that will consider, that when it could not be effected in that Age, when some of each House were alive, who knew the Lands; and the inextricable Confusion that then it was thought it would bring upon Purchasers, was sufficient to hinder the Houses and the Convocation to think it a work feasible, when it may be the loss would have fallen upon those who had been most instrumental in the Subversion, what must we think now of the difficulty of separating the Sacred from the Profane? which I can compare to nothing more resemblingly, than the difficulties  
some

No English Parliament will attempt it.

Some Philosophers suggest in apprehending the Resurrection of our Bodies, by bringing again these individual Atoms which were once part of them, and have been exhaled, or have been assimilated into the bodies of Fishes or ravenous Beasts, or converted into dust, and are dispersed into various Regions. Till therefore we can be sure of such an Omniscient Power in a Parliament, as can know the distinct Lands that once belonged to every House; and so Omnipotent, as can disengage them from Lay-fees, (they are not only folded to, but *per minima* mixed and incorporated with) and such a self-denying Parliament as will part with their Inheritances, Entails, Settlements, Mortgages, and Purchases, upon some peoples suggesting a Sacrilege to them, (not believed by themselves or

Ca-

*Catholics.*) I say, till all these, and a great many other difficulties can be solved, I think the Possessors of Church-Lands may rest secure in their Titles.

I pray therefore, *Noble Sir*, Those  
suspect all those that suggest that sug-  
such doubts to you, as men that gest  
have most wicked aims to alie- these  
nate the affections of the Sub- Jealous-  
jects from our Gracious King, lies, to  
who I am well assured desires be sus-  
pected.  
to give all his Subjects satisfac-  
tion in this particular, and look  
upon them as concerting with  
utter Enemies to Monarchy,  
and such as would be working  
us, by such unreasonable Jeal-  
ousies, to a temper fit for some  
greater mischief, and who have  
such an envious canker'd dispo-  
sition, that, tho' they believe  
not one syllable of what they  
publish on this Head to be true,  
yet studiously endeavor to  
spread abroad the suspicion, for  
no

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no other end than to bring an Odium upon the King, who hath a greater care for preserving every man's Property, and that his People may live in Peace, Freedom, and Plenty, than the best of these Calumniators; who, if they had power, would be the first that would be for resumption of Crown, Bishops, Deans and Chapters, and other Lands, as they were during the Usurpation.

---

**F I N I S.**

## E R R A T A.

**P** Ag. 7. lin. 6. for Foretakers, read *In-*  
*truders.* p. 15. l. 4. for *Prætorix*, r.  
*Prætorio.* p. 23. l. 7. dele *and.* p. 30. l. 10.  
 for want, r. *wars.* p. 32. l. 3. for 4th. r. 2d.  
 p. 34. l. 10. for *This*, r. *The.*

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